

**RECORDS IN THE
BRITISH PUBLIC RECORDS OFFICE
RELATING TO SOUTH CAROLINA**

**VOL. 15
1731 - 1732**

**ALSO
COMMISSIONS TO THE
OFFICERS OF THE GOVERNMENT
OF SOUTH CAROLINA
1718 - 1750**

This should not have been copied
 being Duties to Sir of London

B P A O Ar H I Vol 19 p 4

Charles Town 26th March 1731

My Lord,

By this conveyance I transmit to your Grace at the desire of the Council and Assembly their Humble address to His Majesty.

The Assembly are fallen upon business, and am in great hopes, I have brought them to a disposition to settle the distracted Affairs of the Province, but nothing is yet brought to maturity so as to transmit to your Grace.

The Assembly insist upon the Priviledge of appointing their own Clerk, I apprehend it is his Majestys Prerogative to appoint that and all Officers, and I insisted upon it with them, but they plead Custom and having always been allowed that Priviledge, both in the Proprietors and Mr Nicholsons time, and give Instances of Barbados, and other Colonys in America, having the same, at last I told them I would dispence with their doing it for the present till His Majestys pleasure should be signified to me thereupon. I therefore beg to be particularly Instructed on this head. I am with great respect

My Lord

your

your Grace's most Obedient
and most humble Servant
Robt Johnson.

21

I am in hopes Mr Furies affair will be done.

B. P. R. O. Journals 12 2 vol 141

Whitehall Wednesday 13 Jan 1731

At a meeting of His Majesty's Comm^{rs} for Trade and Plantations
Present

M^r. Doernique. M^r. Nelham. M^r. Bladen. M^r. Brudenell. Sir A. Croft

An order of the Committee of Council dated the 12th Inst referring back to this Board a paragraph in their Report, which the petitioners for settling poor people in Carolina propose to be altered, was read. And the Board gave directions that M^r. Ogleshorpe & the Gentlemen concerned in the petition should be desired to attend the Board tomorrow morning

14 January 1731

M^r. Ogleshorpe, M^r. Hicks. M^r. Heathcote. M^r. Coram and sev^l other Gentlemen attending as they had been desired their Lordships took again into consideration the order of the Committee of Council relating to the settling poor people in South Carolina read yesterday. And after some discourse with these Gentlemen thereupon, a Report to the Lords of the Committee was agreed and signed

24 March 1731

The Secretary acquainting the Board that M^r. Lowndes, privateer Marshall of South Carolina desired they would be pleased to consider of and report their opinion upon the Act passed in that province in 1726 for the better settling the Courts of Justice. M^r. Lowndes was called on. And their Lordships after some discourse

1731 — 1732

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discourse with him thereupon. and reading M^r Dane's Report gave directions for preparing the Draft of a Letter to Col. Johnson Governor of that Province to endeavor to get the said Act amended

26 March 1731

A Letter from M^r Tho^s Lowndes dated the 24th Inst. in relation to the giving Security for the place of Provost Marshall of South Carolina was read. Whereupon ordered that Notice be taken of M^r Lowndes said Letter in the Draft of the Letter now preparing to Col. Johnson. Gov^r of that Province

22 September 1731

M^r Thomas Lowndes having brought to the Office three Certificates. one from James Bertie Esq. Another from Henry Bertie Esq. Two of the late Lords Proprietors of Carolina. and the Third Certificate under the hand of M^r Shelton their late Secretary relating to certain Grants of land made by the said Proprietors to M^r Lowndes before the Treaty of Surrender of Carolina to the Crown. the said Certificates were read and ordered to be kept with the papers which relate to the Province of South Carolina

16 November 1731.

A Letter from Col. Johnson Governor of South Carolina date the 26th of March 1731. was read. as also A Letter from him dated the 13th of August 1731. and directions were given for preparing an Answer thereto. A Letter from M^r Tho^s Lowndes inclosing the Extract of a Letter to him from

M^r

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Mr Wright Chief Justice of South Carolina dated the 6th of August 1731 about repealing the Act passed there for bringing Debtors into Court by Capias and thereby reviving the Act for a summons in lieu thereof was read And their Lordships resolved to consider further of the said Law when Colonel Johnson shall have sent over the several Acts passed since his Government.

23 November 1731

And a Report dated the 23rd of July 1730 upon the proposal of Messrs Juxx of Newchaket for settling 600 protestants from Switzerland in South Carolina. But the Committee being of opinion that the 12000 Acres to be granted to the said Juxx should not be exempted from payment of Quit Rent except for the first Ten Years desired the Board would alter their Draft of an Instruction accordingly.

A Memorial from Mr Slater proposing a Silk Manufactory to be erected in South Carolina, as also the making Salt petre there was read Ordered that he be acquainted with the Boards desire of speaking to him on Tuesday next.

30 November 1731

Mr Slater attending as he had been desired the Board took again into consideration his Memorial read the 23rd Inst relating to the raising Salt petre in South Carolina, and their Lordships desiring he would give the Board some proof of his being able to produce saltpetre in this province as proposed
by

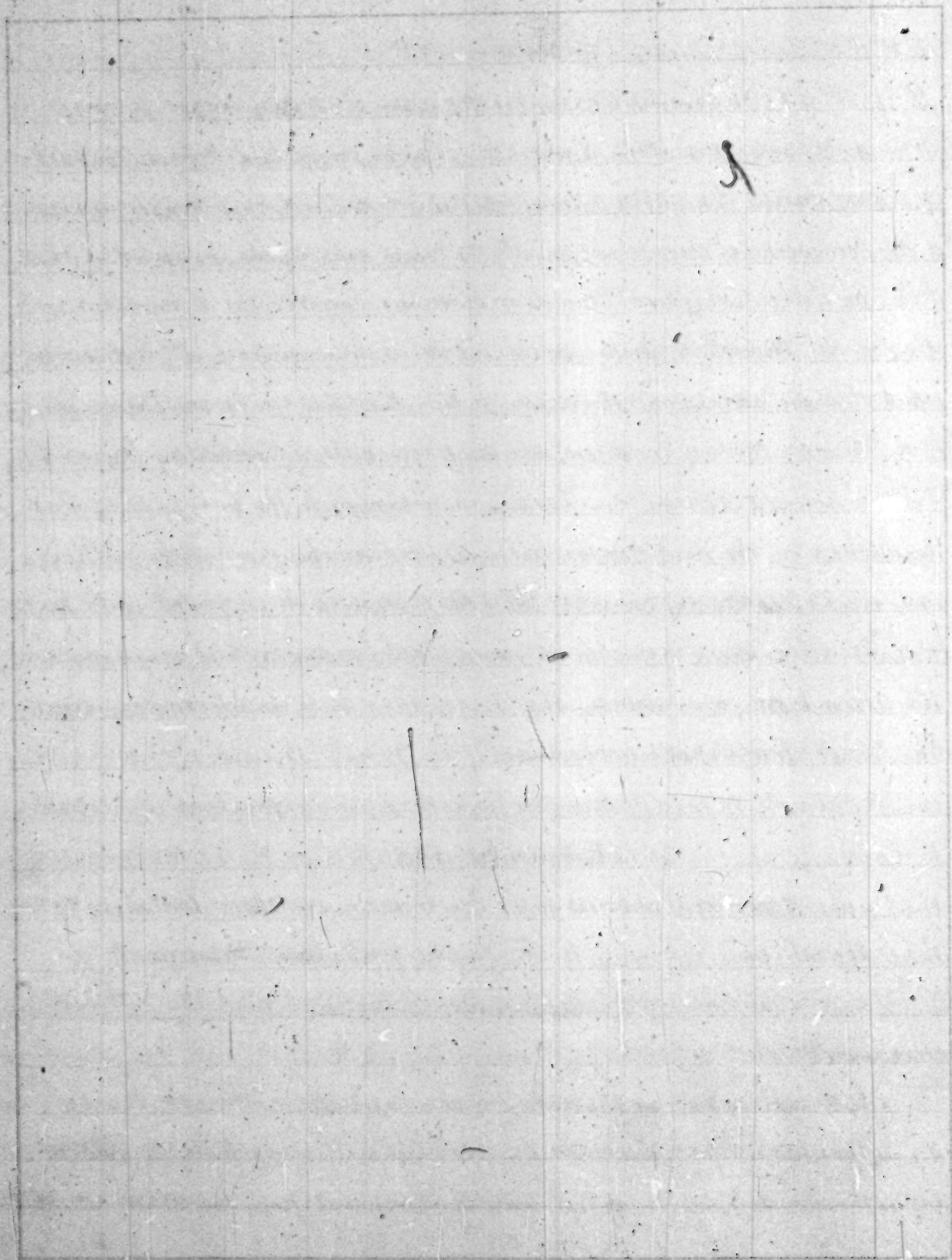
13. J. Journals

17 December 1731

M^r Oglethorpe and M^r Jowers two of the Gentlemen concerned in the petition considered at this Board the 3rd of December 1730 desiring a Charter of Incorporation for settling poor people in South Carolina attending an order of the Committee of Council dated the 11th Inst referring to the Board of Trade some points relating to a Charter for Establishing colonies in South Carolina was read. And their Lordships after some discourse with M^r Oglethorpe upon this Subject agreed to propose to the Lords of the Committee as follows viz^t That the Western bounds of the said Grant should extend as far as the Western Bounds of Carolina. That all the Islands to the Eastward of this Grant between the Rivers Savannah and Altamaha and within the distance of Twenty Leagues from the Shore should be included in the Grant and That the said Corporation should not be Impowered to grant above 500 Acres to any one person. The Board then gave directions for preparing the Draft of a Report accordingly

22 December 1731

The Report of the Lords of the Committee upon their Lordships Order dated the 14th Inst referring to this Board some points relating to a Charter for establishing Colonies in South Carolina read the 17th inst was agreed and Signed.



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B. P. R. O. South Carolina B. 2. vol 5

D. 4 At the Council Chamber Whitehall 12 Jan 1731

By a Committee of the Lords of His Majestys most Hon^{ble} Privy Council
The Lords of the Committee having this day taken into their consideration
a Report made by the Lords Comm^{rs} for Trade and Plantations upon the
petition of the Right Hon^{ble} the Lord Viscount Percival the Honorable Edw^d
Digby the Honorable George Carpenter James Ogletborne Esq^r and several
others whose names are thereunto Subscribed relating to the Establishing
a Charitable Colony in South Carolina. And their Lordships having
been attended by the petitioners who proposed the making some al-
terations in the said Report. Their Lordships are thereupon pleased to
order, as it is hereby ordered, that the annexed paragraph of the said
Report be referred back to the said Lords Comm^{rs} together with
the alteration proposed by the petitioners to be made thereto. And
the said Lords Comm^{rs} are to hear the peti^{ts} thereupon and Report
their Opinion to this Committee, whether any alteration is proper
to be made in the said paragraph and in case they are of opinion
that any alteration should be made therein to Report the same to
their Lordships

Temple Stanyan

(Inclosure)

And whereas it is the desire of the petitioners, that the Tract of
Land petitioned for, which is at present entirely uninhabited, except
by some few Indian Families, may be separated from the Province of
South

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South Carolina and be made a Colony independent thereof with respect to their Laws Governm^t and Economy both Civil and Military, save only in the command of their Militia which is to remain with His Majesty's Govern^r of South Carolina for the time being We are humbly of opinion that His Majesty may be graciously pleased to indulge them in this particular likewise saving always the dominion of the Crown and the Dependence which every British Colony ought to have upon His Majesty. and for this purpose we would humbly propose that the Corporation may have the liberty from time to time to lay before his Majesty's Lords of all such Officers both Civil and Military as shall be thought necessary by them for the support Conduct and Government of their intended Colony and which are usually appointed by Commissions from His Majesty or from His Majesty's Governors in other Colonies in America and that when His Majesty shall have approved of such Officers by his Order in Council the Corporation may be Impowered to give them Commissions under their Common Seal.

The alteration proposed to be made to the foregoing paragraph by the petitioners in lieu of the lines under scored.

Under their Common Seal to constitute Courts of Record and other Courts to be held in His Majesty's Name. and for the space of Twenty one Years to appoint and displace all officers Civil and Military within the said District together with such other powers as have been granted on the first Establishment of Colonies

Rec^d } 13 January 1730/
Read }

B. P. R. U. South Carolina (B.T.) Vol. 26. p. 15.

Whitehall.

January 14th 1730/1

To the Right Hon^{ble} the Lords of the
Committee of His Maj^{ty}'s most Hon^{ble} Privy
Council.

My Lords,

Your Lordships having been pleased by
Order of the 12th Instant to refer back to us a Para-
graph of Our Report upon the Petition of the Right
Hon^{ble} the Lord Viscount Percival, the Hon^{ble} Edward Digby,
the Hon^{ble} George Carpenter, James Uglethorpe Esq^r and
several others relating to y^e Establishing a Charitable
Colony in South Carolina, together with an alteration
propos'd by the Petitioners to be made to Our said
Report. We have considered the same, & having dis-
coursed with them thereupon, we take leave to ac-
quaint Your Lordships.

That we do not apprehend any great in-
convenience that can arise to the Publick if His
Majesty should be graciously pleased to allow the
Petitioners under their common seal to constitute
Court

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Courts of Record & other Courts to be held in His
Majesty's Name and for the Space of Twenty one Years
to appoint and Displace all Officers Civil and Military
within the said District. But the last words in -
the Alteration proposed by them, being too General -
Viz^t Together with such other Powers as have been grant-
ed on the first Establishment of Colonies: We propose
to add in the stead thereof the following words. Together
with such other Powers as may be necessary for the
Support & Defence of the said Colony. We are

My Lords,

Your Lordships

Most Obedient and Most Humble Servants

P. D'Omerique

J. Pelham

M. Bladen

Mr. Bridgeman

Ja. Brudenell.

B. P. R. O. South Carolina B. 2 Vol 5

D. Q. At the Court at S^t James the 28th of January 1731
Present

The Kings most Excellent Majesty in Council

Upon reading this day at the Board a report from the Lords of the Committee of His Majestys most Hon^{ble} privy Council dated the 18th of this Instant in the words following Viz^t "Your Majesty having been pleased to refer unto this Committee the humble petition of the Right Hon^{ble} The Lord Viscount Hereval The Hon^{ble} Edw^d knight The Hon^{ble} George Carpenter Esq^r Oglethorpe Esq^r and several others whose names are thereunto subscribed. Setting forth That the City of London and Westminster and parts adjacent do abound with great numbers of Indigent persons, who are reduced to such necessities, as to become Burthensome to the public, and who would be willing to seek a Livelihood in any of your Majestys plantations in America if they were provided with a passage and means of settling there. And humbly proposing to undertake the trouble and charge of transporting all such poor persons and Families provided they may obtain a Grant of Lands in South Carolina for that purpose together with such powers as shall enable them to receive the Charitable Contributions and Benefactions of all such persons as are willing to encourage so good a design. The Lords of the Committee did on the Twenty third of November last take the said petition into Consideration, and thought proper to refer the same to the Lords Commissioners for Trade and plantations. Who having received from the petitioners certain proposals relating to the subject matter of the said

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Said petition and discoursed with them thereupon have reported to this Committee that the design appears to be very laudable in every respect and to deserve due encouragement and may if happily executed produce many good effects to the public. And do therefore propose to your Majesty that you would be graciously pleased to Incorporate the petitioners according to the prayer of their petition as a Charitable Society by the name of The Corporation for Establishing Charitable Colonies in America with perpetual succession and to grant them all such reasonable powers as may be necessary for promoting and carrying on the said undertaking. The most material of which powers are particularly mentioned in the said Report of the Lords Commissioners for Trade and Plantations. The Lords of the Committee having taken the said Report into their Consideration and been attended by the petitioners who proposing several alterations to be made therein particularly with regard to their being Empowered to appoint and displace all Officers Civil and Military for the term of Twenty one Years. The Committee thought it necessary to receive the further opinion of the said Lords Comm^{rs} for Trade thereupon. who having considered thereof have no objection to Your Majesty granting the petitioners such a power. The Lords of the Committee do therefore agree humbly to lay before your Majesty the several powers proposed by the said Report of the Lords & Commis^{rs} for Trade to be granted to the petitioners together with such alterations as they thought proper to make therein for Your Majesty's Royal Approbation viz^t

That the petitioners may be empowered to purchase Lands
of

of Inheritance in Great Britain to the value of one thousand pounds per
Annum and Estates for Lives or Years and Goods and Chattels to any value
and to receive and take by Grant Gift purchase or otherwise any Lands in
America with power to make reasonable By Laws not repugnant to the
Laws of Great Britain for the Government of their Corporation together
with all Clauses usual and necessary for such a Corporation and to
lay an Annual Account of all Moneys or Effects by them received or
expended for the carrying on this Charity before the Lord Chancellor
The Lord Chief Justice of the Kings Bench the Master of the Rolls the
Lord Chief Justice of the Common Pleas the Lord Chief Baron of the
Exchequer or any two of them

That Your Majesty may be graciously pleased to grant to the
petitioners and to their successors all that Tract of Land in your
Province of South Carolina lying between the River Savannah
and Altamaha to be bounded by the most Northern Stream of the
Savannah and the most Southerly Stream of the Altamaha with
all the Islands in the Sea lying opposite to the said Land reserving to
your Majesty your Heirs and successors a Quit Rent at the Rate of
Four shillings proclamation Money for every hundred Acres contained
in the said Tract which shall be leased or granted out by the Corporation
to their under Tenants or settled or empowered by them or their Agents
the said Quit Rent not to commence or be paid till ten years after such
Leases Settlements or Improvements respectively

That to the end Your Majesty may always be duly informed of
what

"what quantity of Land are granted settled or improved by the said
 Corporation. that a constant Register be kept by their officers of all such
 Leases Grants settlements and improvements and authentic transcripts
 thereof Annually transmitted to your Majesty's Auditor of the Plantations
 or his deputy and also to your Majesty's Land Surveyor in South Caro-
 lina reserving to the said Surveyor in your Majesty's behalf a right
 of inspecting the Lands so leased granted improved or settled to prevent
 any abuses with respect to the Quit Rents intended to be reserved upon
 such Lands provided that neither the said Auditor, nor his deputy
 nor the said Surveyor shall take or demand any Tax or reward from
 the Corporation or from any person holding under them on transmit-
 ting the said accounts or for inspecting the said Lands"

"That the Tract of Land petitioned for which is at present intirely
 uninhabited except by some few Indian Families should be separated
 from the province of South Carolina and made a Colony independent
 thereof with respect to their Laws Government and Economy both Civil
 and Military, save only the Chief command of their Militia which
 is to remain with your Majesty's Governor of South Carolina for the
 time being and saving always the Dominion of the Crown and the
 dependence which every British Colony ought to have upon your
 Majesty And for this purpose that the Corporation should have power
 under their Common Seal from time to time to constitute Courts of
 Record and other Courts to be held in your Majesty's name and for
 the space of Twenty one Years to appoint and displace all officers
 Civil

Civil and Military except such Officers as shall be constituted and appointed for receiving collecting and managing Your Majestys Revenue within the said district and should likewise have such other powers as may be necessary for the support and the defence of the said Colony

That the Corporation should be further empowered from time to time to prepare Laws for the Government of the said Colony to be laid before your Majesty in Council. and if such Laws shall not be disapproved by Your Majesty within Three Calendar Months after they shall have been so laid before Your Majesty that they may then be sent over. and be in full force till Your Majesty shall think fit to signify your disallowance of them

And lastly that as in process of time it is to be hoped this Colony may prove a flourishing settlement The said Colony should have liberty given them. to import and export their Goods from any port that shall be appointed by your Majesty without being obliged to touch at any other port in Carolina

And tho' this Colony be a new and separate district yet it ought to be subject to the Act passed in the 7th & 8th of his Late Majesty King William and to all other Acts now in force in Great Britain relating to Your Majestys plantations in America in General as if this Colony had been established before the passing the said Acts and the Corporation ought also to lay constant Accounts of the progress of the Colony before one of Your Majesties principal Secretaries of

of State, and the Lords Comm^{rs} for Trade and plantations that your Maj^{ty} may be duly informed thereof

If your Majesty shall be pleased to approve of what is herein proposed the Lords of the Committee are humbly of opinion That M^r. Attorney and Solicitor General should be directed to prepare a Draft of a Charter agreeable to the said Heads

His Majesty taking the said Report into consideration, was pleased with the advice of His privy Council to approve thereof and to Order, as it is hereby ordered, that M^r. Attorney and M^r. Solicitor General do prepare the Draft of a Charter agreeable to what is therein proposed and that they do insert therein such Clauses as they shall think proper to render His Majestys intentions herein most effectual And present the same to His Majesty at this Board for his Royal approbation

A true copy

Temple Stanvan

Rec^d 10th }
Read 11th } Aug 17/31

16
B. P. R. O. South Carolina B. I. Vol 5

D. 10

Rec^d 22 Sept 1731

Certificates from James and Henry Berke two of 4th late Lords proprietors of Carolina and from Wth Shelton their Sec^y relating to certain Grants of Land there to Mth Thomas Lowndes before the Treaty of Surrender of Carolina to the Crown

I do hereby certify that some time before the treaty for the sale and Surrender of Carolina to the Crown was set on foot Mth Thomas Lowndes petitioned the then Lords proprietors that his Grants for Land of Twelve Thousand acres each might be exchanged for other Grants of smaller parcels to contain together the same Number of Acres that the large Grants did which petition was agreed to by the Board And I do certify this because upon the said Mth Lowndes application to me for the petition and minute and upon searching I believe the same are lost or mislaid or were delivered to Mth L. Heap of the Treasury amongst several other loose papers relating to Carolina

17th July 1731

R^d Shelton

I do hereby certify that some time before the Treaty for the Sale & Surrender of Carolina to the Crown was in any sort began or set on foot Mth Thomas Lowndes petitioned the then proprietors that his Grants for Lands of Twelve Thousand Acres each might be exchanged for other Grants of smaller parcels to contain together the same number of Acres that the large Grants did and at the same Rent which petition was unanimously agreed to by the Board of proprietors at which I then acted as one 4th Sept. 1731.

Witness Lucas Kinn

Henry Berke

I do

I do hereby certify the Rt Hon^{ble} the Lords Comm^{rs} for Trade and Plantat^{ns} and all others whom it may concern That some time before the Treaty for the Sale and Surrender of Carolina to the Crown was set on Foot M^r Thomas Lowndes petitioned the then Lords proprietors that his Grants for Lands of Twelve thousand Acres each might be exchanged for other Grants of smaller parcels to contain together the same number of Acres that the large Grants did, which petition was unanimously agreed to by the Board at which I acted as Trustee for the Duke of Beaufort and likewise as a proprietor in my own right.

27 July 1731

Ja: Bertie

Acknowledged by my Father to be his own hand

Edw Bertie

Rec^d }
Read } 22 Sept 1731

18
P R O South Carolina B D Vol 5

D. 6

24 March 1730

To Allured Popple Esq

Sir

His with the greatest Confusion that I beg pardon of the Lords Commiss^{rs} for Trade for giving the Lordships this farther Trouble which really is occasioned by an innocent Mistake and I intreat you at a proper time to move their Lordships to give Directions (in relation to the Clause requiring Security of the Provost Marshall) agreeable to their Intentions: which this day they were so good as to express for I never had an opportunity to peruse the Act of Assembly till to day after I was called for in, and only hearing hearing it read over before at Mr Counsellor Jones Chamber I took it that the deputy provost Marshall was required to give the security and accordingly had made provision for it. but their Lordships candour and goodness make me sensible of my misapprehension

The complaint of the Merchants and the point in issue before Mr Jones was whether the Summons should be restored or the Charters Continued not but that Gent asked if there was any other objection to any part else of the Act and the Merchants answered 'Nothing material'

In all the plantations that are Royal Governments there are (as I am informed) standing Laws that no deputy shall be admitted to execute his Office till he has given such security as is agreeable to the Nature of his Office and as is specified in such Laws, and the Notion of that, and my only hearing the Act very hastily run over was what
led

led me into the Error and is the cause of this Application. I am with
the greatest respect

Sir

Your most obedient and most humble Servant

Tho. Lowndes

Rec^d { 26 March 1731
Read }

B. P. R. O. South Carolina B. I. vol 5

Q11

Charles Town 26 March 1731

To the R^t Hon^{ble} Lords Comm^{rs} for Trade &c

My Lords

By this conveyance I have at the desire of the Council and Assembly transmitted to His Grace the Duke of Newcastle their humble Address to His Majesty

The Assembly are fallen upon business and am in great hopes I have brought them to a disposition to settle the affairs of the Province but nothing is yet brought to maturity so as to transmit to your Lordships

The Assembly insist upon the privilege of appointing their own Clerk I apprehend it is His Majesty's prerogative to appoint that and all Officers and insisted upon it with them, but they plead Custom, and having been always allowed that privilege, both in the proprietors and Mr. Nicholson's time and give instances of Barbados and other Colonies in America having the same: at last I told them I would dispence with their doing it for the present till His Majesty's pleasure should be signified to me thereupon I therefore beg to be particularly instructed on this Head I am with great respect

My Lords

Your Lordships most humble

and most obedient Servant

Rob^t Johnson

Rec^d 1 June } 1731
Read 16 Nov }

21

B. P. R. O. A. & H. S. Vol. 621.

(Inclosure to Gov^r Johnson's Mar. 26 1731.)

To the Kings most Excellent Majesty.

The Humble Address of the Lieutenant Governor, and
the rest of Your Majesties Council for the Province of
South Carolina.

May it Please your Most Sacred Majesty
Wee Your Majesties most Dutifull and Loyal Subjects
Who have the Honour of your Majesties Appointment to
serve your Majesty as your Council in this your
Province of South Carolina, beg leave to Returne your
Majesty our unfeined Thanks for the great care and
concern you have been pleased to shew for this colony.

To Enumerate the many Instances of your
Goodness to us, would be too tedious to your Majesty,
but we cannot help mentioning those of your Purchas-
ing the Charter of the Late Lords Proprietors, thereby
taking us under your Majesties Royal Protection.
And your appointing his Excellency Robert Johnson
Esq^r to govern us under your Majesties Auspicious In-
fluence, whose Person is not only well known to us
but we are also well acquainted with his great Abil-
itys and good Inclinations to serve this colony. Which
we have largely Experienced, as well when we were
formerly

formerly Governed by him. As by his appearing on our behalf in Great Brittain to procure us the Great Blessing we enjoy of being under your Majesties own immediate Government.

We are truly sensible of the great honour your Majesty has done us in selecting us from among the Rest of your Dutifull and Loyal Subjects of this Province to serve your Majesty by assisting our Governour in the Execution of your Majesties Royal Commands all calculated for the Good and Happiness of this Province And We begg leave to assure your Majesty that we will use our utmost Endeavours to Support and Maintain your Majesties undoubted Rights and Prerogative, and to convince your Majesty that we are

May it Please your Majesty
Your Majesties most dutifull and Loyal
Subjects and Servants

Fra: Yonge	Tho: Broughton
Robt: Wright	Ar: Middleton
Jos: Wragg	James Kinloch
Jno: Fenwicke	Wm: Bull.
Tho: Waring	A. Skene.

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B. P. R. O. A. & N. S. Vol. 19. p. 10.

Charles Town the 12th Aug^t 1731.

My Lord,

I do myself the Honour to send your Grace the answer of Andrew Allen, Merchant of Charles Town, relating to the Executorship of one Albert Muller which by My Lord Townshends Letter to me dated Dec^r 9th 1729 I was commanded to inquire into.

It gives me great pleasure I have been able to Obey your Graces Commands in procuring from the General Assembly Mr Turys being appointed Agent for this Province, with a salary of £100 St^r. a year; I am sorry I was not able to procure for him more than the last Agent had.

I omit giving your Grace Accounts of my publick Transactions till the conclusion of the sessions of General Assembly; I am with the greatest Submission

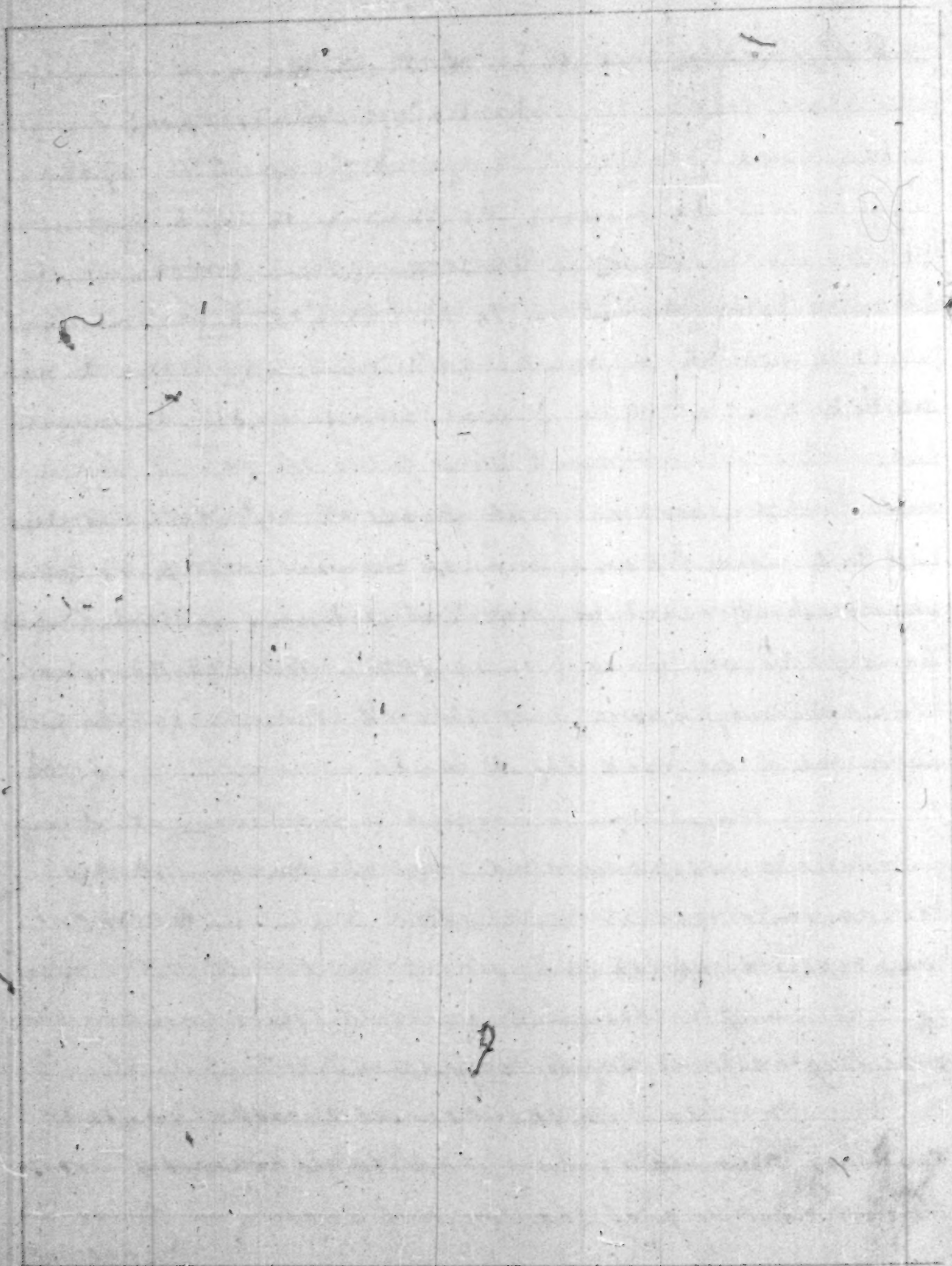
My Lord,

Your Graces most Dutifull
and obedient Humble Servant

Duke of Newcastle.

Rob^t Johnson.

Incluse



B. R. R. U. South Carolina (RT.) Vol. 26. p. 17.

Whitehall.

April 3^d 1731.

To Col^o Johnson

Gov^r of South Carolina.

Sir,

We have receiv'd your Letter of the 24th of December last, with the old Broad Seal of South Carolina and take this Opportunity of Congratulating you upon your safe Arrival in your Government where we hope that by your prudent Conduct & Behaviour all those unhappy Disputes & Divisions which have so much Disturbed the publick Tranquility of the Province, may soon be settled.

We are very glad that y^r seven Cherokee Indian Chiefs are well satisfied with the Treatment they receiv'd whilst in England; as it will be the means of continuing a lasting Peace with the Indian Nations bordering on your Government.

M^r Lowndes the Provost Marshal of your Province, having again apply'd to us against y^r Act for the better settling of the Courts of Justice in South -
Carolina

Carolina passed there by Mr Middleton in 1726. We take this opportunity of mentioning to you Our Objections that you may get another Act passed, not liable thereto.

This Act alters the first Process in Civil Actions from a Summons to a Capias. But as in Our Law-Process, a Summons is always supposed to be made in the first Instance, we think this part of the Law ought to be amended to a summons Instituted instead of the Capias, and the rather, as it will be the least expensive way of proceeding, & y^r most speedy to obtain Justice.

By another Clause in this Law, we observe the Provost Marshal is obliged to give Security for the due performance of his Office; But as the Provost-Marshal seldom resides in Carolina, we think it will be more advisable to oblige the Deputy to give Security, or to mention it in General Terms that whoever shall personally Execute that Office, shall be obliged to give Security.

As we have no Objection to the other parts of this Law, they may be re-enacted again but you must take care, to insert in the new Law a Clause to suspend its taking Effect till approved by His Majesty.

We hope shortly to receive some Account of y^r Affairs

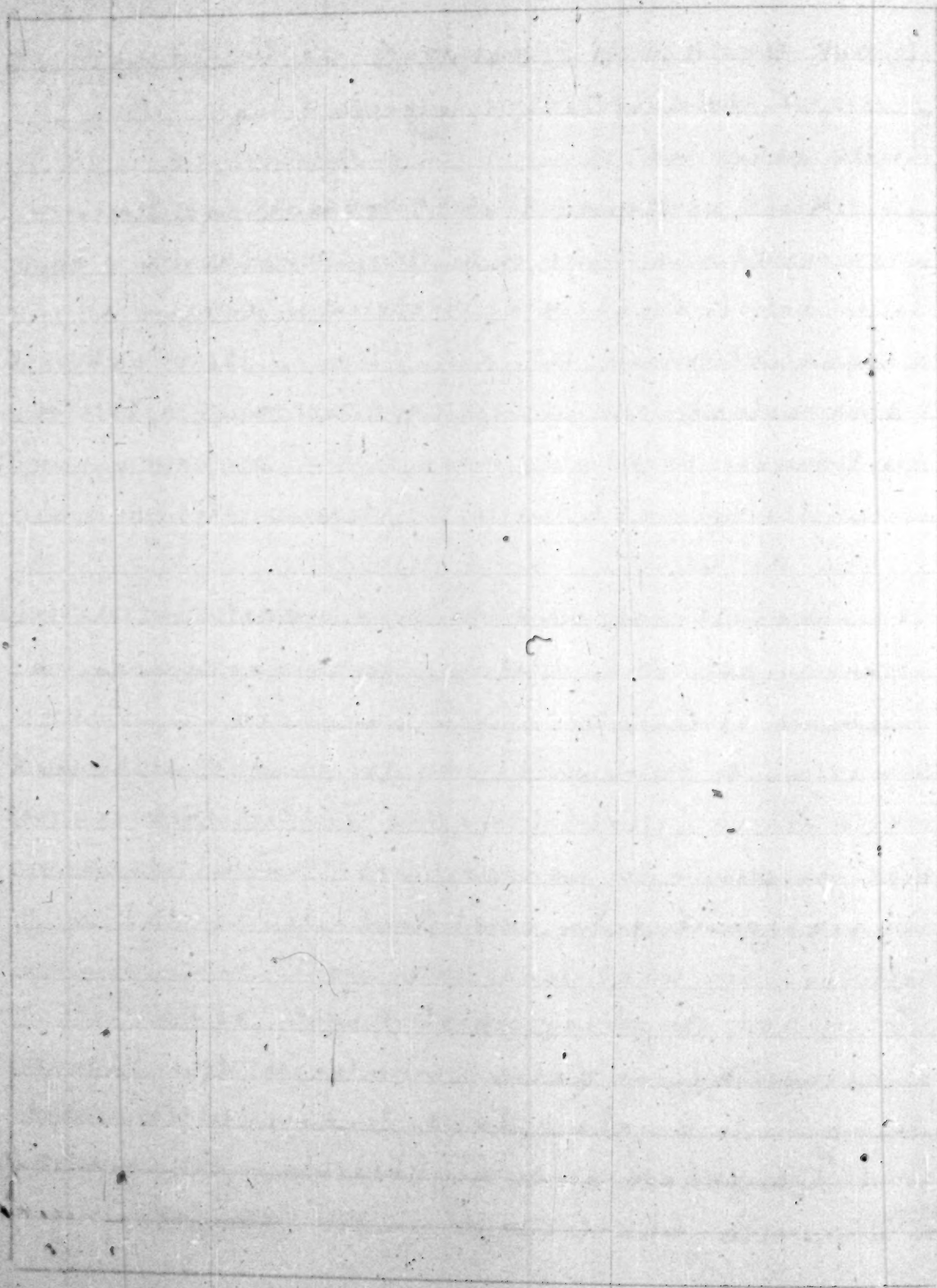
Affairs under your management... So we bid you hearty
farewell. And are &c.

Westmoreland.

P. Doominique.

- Edw^d Ashe.

Or. Bridgeman.



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B. P. R. O. A & N. S. Vol. 19 p. 11^a

(Inclosure to Gov^r Johnson's of Aug 12th 1731)

South Carolina

His Excellency Robert Johnson Esq^r Governour
& Commander in Chief of His Majesties Province of
South Carolina, having required of Andrew Allen
of Charlestown in the said Province, Merchant and
Administrator to the Estate of Albert Muller late of
this Province deeed to render to his Excellency an account
of the State of said Mullers Estate in this Province
do give the following acc^{ts} thereof.

That it appeared by said Albert Muller's Books
the principall of his Debts & Effects were due to his
Impleyers at Bristol which have accordingly been
remitted to them, that why the said Muller had
little or no Effects of his own in this Province was
that he drew his commissions at Bristol upon
the neat produce of what Goods he remitted in
returmes for what Goods were cons^d him.

That the said Albert Muller had a Patent
of Naturalization dated December 10th 1724 Impower-
ing him to purchase Lands Tenaments &c & that
he did purchase since his Obtaining the said Patent
a House in Charles Town in the Province aforesaid
for

for the sum of Two hundred and Ninety pounds sterling.

The said Albert Muller made his Will at Bristol the 21st January 1723 which was before he purchased the said house and of course its not chargeable with the Legacies left by him but must be answered out of the personal Estate which if there be any must remaine in the hands of Mr. Walter Lougher Merchant in Bristol and Administrator of said Estate to whom a full Accot of all said Mullers effects has been transmitted & attested to be true and just Accounts by the Notary Publick of this Province, Given under my hand at Charles Town the 29th day of May 1731

Andrew Allen

29
B. P. R. O. South Carolina B 3 vol 5

D. 12

Charles Town 13. Aug 1731

Sir

I have received your favour of the 8th of April last and entertain the advice you give me. as I am very well persuaded you mean it as my friend and for my service. and shall in due time recommend to the Assembly what their Lordships of Trade have commanded me in relation to the Summons instead of a Capias. tho I cannot give great hopes they will be prevailed on to alter the Law from the present practice of a Capias to a Summons which is indeed (tho so called) no other than a Capias. only with this difference that it brings the Defendant into Court. tho not personally served but by leaving it at his habitation. which was attended by many abuses. many people having had Judgement obtained against them. without knowing they had ever been summoned. and consequently in no capacity of making their defence. for opportunities were taken when people were abroad (perhaps at the Cherokee Mountains) to thrust a summons under a persons door. and the Marshal swearing he left the Summons at the persons dwelling house was sufficient to proceed against the Defend^t Ex parte. and so Judgment went against him. for what was charged in the Writ which was always double the Debt. and many times actions only of Malice to prejudice anothers Credit

The first process in the Courts here were from the first settlement till y^e year 1713 by a Capias only. as in England when a Law was made to proceed by a Summons being limited to two years it then returned
to

to the old way of a Capias and so continued until the year 1720 when the Summons Law was again revived but the aforementioned inconveniences being found in it, it was again repealed in 1726 and so continues

What their Lordships mean by the pro process in England being supposed to be a Summons is (I suppose) no other than a demand of the Debt. but here the Summons was a copy of the Capias or Writ which being left at the house of the Defendant was to have the same effect as the Writ personally served which I am afraid the people here will never again consent to.

The assembly of both Houses have now passed a Law for Regulating the Juries in which was proposed to be a Clause obliging the plaintiff to try his suit against the Defendant at the Precinct Court where the Defendant lived which was the Law and with great difficulty has been thrown out of the Bill and the action is now tryable where the plaintiff pleases: which has very much lessened the authority of the Precinct Courts to the great satisfaction of the Merchants and trading people here, and will be of great ease and advantage to the Marshall in the execution of his office with which I hope they will be satisfied at present and they may be assured I shall impartially espouse their Interests when it is founded on Justice and public Credit. The Sessions is now almost at an end at the conclusion of which I shall do myself the Honor of acquainting their Lordships with what has been transacted which I hope will be to their satisfaction.

I shall on all occasions shew a due regard to any of your friends and endeavor to convince you that I am Sir Your most humble Servant

Rec^d 4 Oct } 1731
Read 20 Nov }

Rob^t Johnson

31
B P R O. South Carolina B D Vol 5

Q13

26 October 1731

To the Secretary to the Board of Trade

Sir

I take the liberty to inclose two paragraphs of Mr Wrights Letter to me dated 6th August 1731 from South Carolina where you know he is His Majesties Chief Justice. You'll please to communicate the same to the Lords Commissioners for Trade and Plantations And I beg you'll observe to their Lordships that by Act of Assembly a Salary is settled on the Chief Justice which with the Old Salary out of the Quit Rents will make £200 p Annum And I suppose long before this they have passed the Jury Bill because they had it under consideration in the middle of last April so that the Capias Act so prejudicial to Trade and so obstructive to common Justice may (if their Lordships think proper) be repealed without any sort of Inconveniency in any other respect I am Sir

Your most obedient and most humble Servant

Thos. Lowndes

(Inclosure)

South Carolina

Copy

August 6th 1731

I saw a letter to the Governor from the Board of Trade by which it was recommended to revive the Summens Law I am well assured that cant be effected It was given up by the late president to please the Multitude but in vain for they insulted him and all the Magistracy the more for it, having as they judged got the power into their own hands
by

by that very point. If it is His Majesty's pleasure (as it is the Interest of this province) to have it revised I apprehend (as very few if any of the Laws of this province have been approved or ratified at home) that His Majesty may declare the repealing Act null and void and confirm the Summons Law neither of them having as yet been approved or disapproved by His Majesty this would make the merchants and trading part of this province easy

Signed. Rob^t Wright.

Rec^d 26 Oct }
Read 16 Nov } 1731

B P R O. South Carolina B2 vol 5

Q18

Charles Town 11th Nov 1731

To the Right Hon^{ble} Lords for Trade &c

My Lords

The 20th of last August we finished the Session of General Assembly when I gave my assent to the following Acts Viz^t. A Bill confirming and Establishing the Ancient and approved Method of drawing Jurys in this Precinct by Balloting &c. A Bill for erecting two Chapels at Santee. A Bill for remission of ^{arrearage of} Quit Rents &c. Tax Bill for the year 1731. A Bill for reprinting the Currency. A Bill for appointing an Agent to solicit the Affairs of this Province in Great Britain. A Bill for establishing Jute Juries. A Bill for the better regulation of the Indian Trade. A Bill to revive the several Laws therein mentioned. A Bill for obliging persons living and residing in the several Counties and Precincts of this Province to serve on Jurys in Charles Town. A Bill for appropriating the Sum of £104775. 1. 5/4 towards the payment of the public debts.

I now transmit to your Lordships the said Acts together with the Journals of the Council and Assembly and the Naval Officers quarterly account of Ships entered and cleared in his Office from the 21st of Dec^r last to the 29th of Sept. 1731.

It is pursuant to the 19th Article of His Majestys Instructions that I have obtained the Act for remission of Arrears of Quit Rents and registering patents &c in which Act also pursuant to the said 19th Instructⁿ provision is made for the registering of all Lands &c for the easy
recov^y

recovering of His Majesty's Quit Rents and that all Quit Rents shall be paid for the future in proclamation money and does repeal from the time of His Majesty's Assent to the said Law the Act mentioned in the said Instruction Intituled an Act for the ascertaining the prices of Land 10th which the people were so very fond of and was the foundation of the disputes between the late Lords proprietors and the people and occasioned the non payment of the Quit Rents for above twenty years past which your Lordships thought so necessary to be repealed.

The Quit Rent Law now passed is of that consequence to His Majesty's service and the people's property that it took up much time and debate betwixt the Council and assembly to adjust it and by it they think they have effectually secured the payment of his Majesty's Quit Rents in proclamation money which they apprehend by the former Law for ascertaining the prices of Land 1st they were not obliged to. They hope His Majesty upon this Happy Revolution (of being now under his immediate Government and complying with his Majesty's Instructions as above) will graciously settle and confirm all their titles derived from the Lords proprietors however deficient they may have been for want of power in them to grant or any Commission or omissions in the form or manner of their Conveyances and accordingly in this Act it is very amply provided for I would fain have excluded the large grants of Landgraveships, Cassique-ships and Baronies as being prejudicial to the well settling of the province but so many people have during the long time the land office

Office has been shut up, purchased under these Titles that almost every body in the province are more or less concerned in the support of them so that the Council and I found it impossible to carry the points so necessary for His Majestys Service without confirming those Titles however deficient they may be in Law They plead equity as having paid considerable sums for their purchases under those Titles that the Law they now agree to part with viz^t for ascertaining the prices of Land you has a Clause that effectually confirms all deficient Titles. That many Sales, Settlements and mean Conveyances have been made under them. that they have generally Improved the said Lands and great sums of Money have been paid for purchasing of Baronys as yet not layd out or Surveyed. And they further plead in that every Government in America has one time or another pass Acts to determine and secure Titles to Lands. and as the reserved Quit Rents are continued to his Majesty which consequently makes it no detriment to his Immediate interest. the Council and I consented to this part of the Law as what was absolutely necessary for the peace and tranquillity of the province and hope it will meet with His Majestys Approbation.

Pursuant to His Majestys 20th Instruction an Act is past suspending the sinking the present paper Bills amounting to £104,775 for seven years which Law appropriates £5000 a year arising from the Outry upon Negroes and other Goods for the subsisting and buying Tools and provisions for one year for such poor protestants as shall come to settle here, and for the charge of laying out Townships for them. pursuant to His Majestys 43rd Instruction. M^r Jurey a Swiss Gentleman has already pitched.

pitched upon a place for a Township which I am going to lay out for him he having undertaken to bring over one hundred Families to settle it and as soon as may be I propose laying out other Townships for the same purpose This Act gives the greatest ease and satisfaction imaginable to the people in General, and the Merchants as well as Planters seem intirely satisfied with it for the want of circulation was such that the Act for calling in and sinking £45000 of these paper Bills is now found to be as prejudicial to the Trading as the Planting Interest, our Bills having acquired such a Currency that for these 9 or 10 years past, there has been no variation in their Value notwithstanding a Private Bank of £50000 this Currency is set up and circulated, besides several Merchants promissory Notes, which pass as Notes, so great is the want of Currency to circulate in Trade, which is very much increased of late years so that I hope this Act will likewise meet with His Majestys Approbation

The want of more paper Currency is very great, the Assembly is very desirous of having more but as the Session has been very long, and to settle it upon an equitable and sure foundation will require much time the Consideration of the 21st Article of His Majestys Instructions relating therunto is deferred till the next Meeting of the General Assembly which is to be on the third Tuesday of this Month.

I recommended to the Assembly your Lordships sentiments communicated to me in your Letter of the 2^d of April last relating to a Summons instead of a Capias in Civil Actions but the experience they have had of the ill use that has been made of the Summons Law when in force and of the great grievance it proved to the Subject makes it impossible ever

to bring the Assembly to consent to pass such a Law again and the more because it is contrary to the usage and Custom of England as to the Act for settling the Courts of Justice past in 1726 the Jury Law herewith sent in a great measure remedies the Inconveniencies which the aforesaid Law brought on the trading Interest for now Creditors may at their option bring their Actions for Debt either in the Court of Charles Town or in the precinct Courts where the Debtor lives which is greatly to the satisfaction of the Merchants and the Clause obliging the people who live in the Counties to serve as Jurymen in Charles Town weakens the authority of the precinct Courts which the Colony was too young for and the Merchants much complained of And they are likewise much pleased at the repeal of a Clause in the same Law viz^t for settling the Titles of the Inhabitants of this province to the possession of their Estates which Clause obliged Creditors to sue Executors within the space of two years or lose their debts and the complainant Mr. Founder is likewise benefited by it. all the Law business being brought now to Charles Town. and I having induced the Assembly to allow for the keeping of Prisoners such as Delinors is a very beneficial Article to the Mar. shalls place.

There has not been a Tax raised these four years past but they have now past an Act for raising £27,905 for the services of the Current Year. which Act is herewith sent to Your Lordships. There have been no Courts of Justice held these four years for want of a Jury but now by the Jury Act a new Jury box is filled

The

The rest of the Laws passed relating purely to the public Utility of the Province I dont trouble your Lordships with remarks upon them

Pursuant to the three orders from His Majesty dated at St. James's the 30th of Nov. 1730 I have appointed by patents Robert Wright Esq^r Chief Justice James Abercromby Esq^r Attorney General and Theophilus Gregory Esq^r Master in Chancery during pleasure I have likewise sworn M^r S^r John as Surveyor Gen^l &c

Pursuant to the 52^d Articles of Instructions I herewith send your Lord^{sh} a copy of Judge Dots Commission and the late President and Councils, and my proceedings upon his demanding to be invoked in his Authority he is the only person that makes any claim of places by virtue of the late Lords proprietors Commission. I shall only observe he has been divested of that post ever since General Nicholson came Governor and then acknowledged his Authority ceased and never claimed it before the purchase Law passed

Pursuant to my 106th Instruction I have induced the Assembly to raise £500 Sterb for building a small Fort and Barracks at Alatomaha & Port Royal, and I design soon to set out for those places to give the necessary directions for the Building and removing a detachment of Cap^t Masses Company to Alatomaha. the Assembly call this £800 a loan to His Majesty, hoping they shall be reimbursed, they do it in pure compliance to His Majestys pleasure. for they are of opinion the Company would be of more Service at Port Royal.

The Assembly in consideration of my long attendance in England in soliciting the public Affairs of the Province particularly the
endeavor^g

endeavouring their being put under His Maj^{ty} Immediate Government as a mark of their Esteem and without any desire or application from me have made me a present of £500 Sterl they have allowed me likewise in the Estimate for the year £500 Sterl by way of salary as also £114 7^d a year the Rent I actually pay for the House I live in. I used my utmost efforts to have this settled during my Government agreeable to his Maj^{ty}s Instructions and lost it but by one Vote. which gives me some hope at their next meeting to carry it the sum being so moderate notwithstanding the aversion all America shew to precedents of this Nature which influences our people very much I do solemnly protest to your Lordships now the Independent Company is separated from the Government the perquisites of it are not worth £100 Sterl a year so that without the allowance it is impossible for me to support the dignity of my office. They likewise give by the year a Salary of £100 Sterl to the Chief Justice which is all I could possibly bring them to do

The stores of War His Maj^{ty} has been graciously pleased to supply this Province with are arrived our Fortifications are entirely ruined by the Hurricanes and will cost a great deal to repair I will use my utmost endeavors to induce the Assembly to begin the repairs at the next meeting I have ordered the Storekeeper and Gunner to prepare their Accounts pursuant to my 101st Instruction. an Account of the Establishments of Jurisdictions, Courts, Officers &c.

I have received Mr Popple's letter of the 10th of July which shall be answered as soon as possible I am with great respect

My

My Lords

Your Lordships most obedient
and most humble servant.

Rob^t Johnson

P. S. Nov 19th

The Assembly met according to adjournment. but being a very busy time of the year, only past a short act to make good a deficiency in the Taxe Act and adjourned till the 18th of January I send your Lordships the Resolutions I am come to with the advice of the Council relating to the granting of Lands and the form of Grants as settled in Council as likewise a Copy of my proclamation about surveying Lands upon y^e Surveyor Generals arrival I also send Your Lordships a Copy of the Form of a Grant.

Rec^d 26 January } 1731/2
Read 16 February }

B P R O. South Carolina B D vol 5

D. 22

4 November 1731

Copy of a proclamation relating to taking out Lands: stating the same and payment of Just Rents and the form of a Grant of Land (referred to in the Governors Letter of 14 Nov. 1731)

By His Excellency Robert Johnson Esq. Governor and
Commander in Chief in and over His Majesty's Province
of South Carolina

A Proclamation

Whereas I have thought fit (by and with the Advice of His Maj^{ty}'s Council) to dispose of His Majesty's Lands not yet purchased to such persons as are willing to take out Grants for the same and to cultivate and improve it as His Majesty directs

And Whereas several persons have heretofore received deputations from former Surveyors General. to run out and admeasure Lands. which deputations being now superseded by His Majesty's Commission appointing James S^t John Esq. Surveyor General of this Province I have therefore thought fit (by and with the advice of His Majesty's Council) to issue this my proclamation. strictly forbidding any person whatsoever to survey or admeasure any of His Majesty's Lands in this Province until he have a Warrant from me for so doing, and that he has received a deputation and power from His Majesty's said Surveyor General to act under him as His deputy, and not presume to sign or return any Certificates of Lands by them run out or admeasured for which they had not legal Warrants from

from me as they shall answer the contrary at their peril And the said James St John Esq. being also His Majesty's Auditor and Comptroller of His Revenues in this Province all persons concerned are to take Notice thereof. and that the said Auditor and Comptroller is ready to enter all Grants and Conveyances of Lands. pursuant to An act of Assembly past for that purpose this present Sessions of the General Assembly upon Application made to him at his office in Charles Town

And Whereas His Majesty has empowered and directed me to dispose of His lands in this Province not yet granted or purchased. under several Rules and Restrictions And I thinking it for His Majesty's service and that of this His Province that the said Lands should be disposed for the better strengthening and settling the same and for encouraging new comers

I have also thought fit (by and with the Advice of His Majesty's Coun^{ty}) to give this Notice that Warrants shall issue for the survey of such lands as may be granted from His Majesty to such persons. as shall apply for the same by petition to me in Council to be heard on the 17th day of Nov^r Instant on the Terms and conditions contained in His Majesty's Instructions and paying the Fees appointed by Law. as in a Table ordered to be set up in the Secretary's Office in Charles Town together with a Copy of the said Instructions where on (application) every one may view the same. and also the Regulations settled by me and His Majesty's Council for His further Information. Given under my hand and Great Seal of this His Majesty's Province at Charles Town this 14th day of November 1731 And in the fifth year of His Majesty's Reign. Robert Johnson
 By His Excell^{ty} Command
 Charles Earl Secretary God save the King

(Inclosure)

George the Second by the Grace of God of Great Britain France and
Ireland King defender of the Faith &c To all to whom these presents
shall Come Greeting Know ye That we of our special Grace certain
Knowledge and mere motion Have given and granted and by these
presents for us our Heirs and Successors do Give Grant and confirm
unto his Heirs and assigns all that
parcel or Tract of Land containing Acres situate
Lying and being in County in our province of South Carolina
butting and bounding and hath such form and
Marks as a plan thereof (hereto annexed) shews Together with all Woods
Trees profits Commodities and whatelse is thereon standing and growing
or thereon being or thereunto by any manner of ways or means whatsoever
belonging or appertaining and all Mines and Minerals whatsoever
Saving and Reserving to us our Heirs and successors all White Pine
Trees if any there should be found growing thereon and also one tenth
part of Mines of Silver and Gold only To have and To hold the said
Tract of Land with all and singular the appurtenances unto him
the said his Heirs and assigns for ever To be holden of us
in free and common soccage in Liew of and for all services whatsoever
on condition that he the said shall render and pay
therefore unto us our Heirs and successors or to our Receiver General
for the time being or to his deputy or Deputy for the time being
yearly that is to say on every Twenty fifth day of March the Quit
Rent

Rent of Three shillings Sterling or four shillings proclamation money for every hundred Acres the same to grow due and be accounted for from the date hereof at such place or places as in and By an Act of the General Assembly of our said province Entitled an Act for the Remission of the Arrears of Quit Rents 1st is set forth and declared and on condition also that the said Do within the space of Three Years next from the date hereof Clear and Cultivate acres of the same or build a good dwelling house thereon and keep a stock of Cattle upon the same and if it should happen that the Quit Rents so reserved be at any time in arrear and remain unpaid for the space of five years from the time it becomes due and no distress to be found on such Lands and hereditaments or on any other Lands Tenements or hereditaments belonging to the said within the said province Or that the Land hereby Granted be not settled and Improved as is hereby directed Then and in that case the Land hereby Granted shall revert to us our Heirs and successors as fully and absolutely as if the same had never been Granted

Given under the Great Seal of our said province
 Witness Robert Johnson Esq^r our Governor of our
 said Province of South Carolina the day of
 in the fifth year of our Reign and in the
 Year of Our Lord 1731.

The above is a true copy from the Original Exam^d the 16th Decem^r 1731
 Rec^d 26th Jan^y }
 Read 16th Feb^y } 1731^{1/2}
 Char: Hart Sec^y

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B. P. R. O. South Carolina B. 2 Vol 5

D. 23

rec^d 26 Jan^y 1732

Copy of the Memorial of Nicholas Drott Esq. relating to his claim to be continued
Chief Justice of South Carolina to the President and Council there and their
Minutes thereon [referred to in the Governors letter of the 14th Nov 1731]

To the Hon^{ble} Arthur Middleton Esq. President and Commander
in Chief of this his Majesty's Province of So. Carolina And to the
Hon^{ble} The Members of His Majesty's Council

The Memorial of Nicholas Drott Esq. Chief Justice of the Province of So. Carolina
Sheweth

That the said Nicholas Drott by Grant or Commission under the
hands of the then Lords proprietors of this Province and their Great or
Common Seal bearing date the Eighth day of March 1706, was constituted
Chief Justice of the same To have and to hold the said Office of Chief Justice
together with all Fees, perquisites, privileges Immunities and Casualties belon-
ging to the said Office till the Grantors of the said Commissⁿ should upon a full
of the said Nicholas Drott or some other person Commissioned by him adjudge
him worthy to be deprived of the said Office for any misbehaviour or injustice
by him Committed Which said Commission or grant of the said Office of Chief
Justice unto the said Nicholas Drott was confirmed and declared to be of full
force and the said Nicholas Drott by virtue thereof to be Chief Justice of
the said Province by a public Instrument under the several hands of
the Lords proprietors signed by the Lord Carteret as Palatine by the
same Lord Carteret for the Duke of Beaufort by S^r Julius Skipwith
for

hearing?
his

for Lord Craven by the Hon^{ble} Maurice Ashley Esq^r S^r John Colleton Bart and John Sanoon Esq^r and under their Great and Common Seal bearing date Septem^r the Eighth 1714 Which said Commission or Grant and the deed or Instrument for confirmation of the same are both upon record in the Secretary's Office of this province whereunto reference being had the same will more fully appear From the words of which Commission or Grant to the said Nicholas Drott it is plain and evident that from the date thereof he the said Nicholas Drott always had and still hath full right to the said Office of Chief Justice of this province and to the execution of the same And Further the said Commission or Grant of the said Office of Chief Justice of this province so made to the said Nicholas Drott and all his Estate right Title and Interest in or to such Office saved and secured to the said Nicholas Drott and to other Officers holding by Grant under the Common Seal of the said Lords proprietors by a Clause in One Act of the parliament of the Kingdom of Great Britain passed in the second year of His present Majesty's ^{re} Reign Entitled an Act for establishing an Agreement with seven of the Lords proprietors of Carolina for the surrender of their Title and interest in that province to his Majesty which said saving Clause in the said Act of parliament is as followeth Saving also to all and every person and persons having or lawfully claiming any Office or Offices place or places Employment or Employments by or under any Grant or Grants thereof made before the said first day of January One thousand seven hundred and twenty seven under the Common Seal of the said Lords proprietors either in England or in the province aforesaid all such

Estate

Estate Right Title and Interest in and to such Office and Offices place & places
 Employment and Employments as they or any of them now have or might have
 had or been entitled unto in case this Act had never been made By virtue of
 which Saving clause in the said Act of Parliament the said Nicholas Drott's
 known right to the said Office of Chief Justice to this Province being so fully
 and clearly confirmed to him as to admit of no dispute The said Nicholas
 Drott doth hereby signify to your Honors that he is ready to take upon
 him the Execution of the said Office and to administer the publick Justice
 of the same pursuant to the said Grant or Commission to him and doth
 now appear before your Honors to take the State Oaths to His Sacred
 Majesty for the better qualifying him for the Execution of his said Office
 that so he may without any further delay or obstruction enter upon the
 same

This is a true Copy from the original

Nicholas Drott

Ex^d. this 16 Dec 1731

(Inclosure) Copy of the Commission of Chief Justice Granted from the Lords
 Proprietors to Nicholas Drott Esq. Dated 8 March 1706
 This Commⁿ will be found copied under the date

The above is a true copy from the Record in the Secretarys Office Examined
 this 8th September 1731 & Henry Hargrave Deputy Secretary

(Inclosure)

(Inclosure) A Council held at the Council Chamber in Charles Town. Tuesday the
fourteenth day of October 1729. Present The Hon^{ble} Arthur Middleton
Esq. President. Coll. Bull. Francis Yonge. James Kinloch. Charles Hart.
Benj^a De Sa Consoilleux Esq.

His Honor the President was pleased to lay before this Board a Letter sent to him
by Nicholas Drott Esq. (formerly Chief Justice of this province) dated the first Instant
therein reciting An Act of Parliament past the last Sessions by y^e Parliament
of Great Britain And (in consequence of the last Clause thereof) claiming the
Office of Chief Justice of this province by virtue of a patent formerly granted him
from the said Lords Proprietors. Upon debating and considering the said
Letter it was agreed that His Majesty being in the actual possession of the
Government of this province and having many years since Disposed of the
said Office and the printed Act of Parliament now sent over, having in it
Several provisions which may make the Act itself of no force besides that If it be fully
complied wth and rendered the most effectual This board not having received any
Instructions from His Majesty in relation thereto & the words of the Act itself being
very dubious Whether they may relate to the said late Chief Justice Or whether he
may not be succeeded by some other Commission either from His Majesty or
from the Lords Proprietors

The Board are of opinion and does so resolve that until they receive
some Instructions from His Majesty relating thereto They do not think it
proper to take upon them to alter the present Establishment or the
Appointment of His Majesty's Officers in this province Especially those
relating to the Courts of Justice, Ordered that the Clerk of this Board
do

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do make a Copy of the above Resolution and deliver the same to the said Nicholas Drott Esq. in answer to his said Letter which being done accordingly Adjourned

The above is a true Copy from the Journal Ex^d 15 Dec^r 1731

R^t Hen Hargrave C^l Con^t

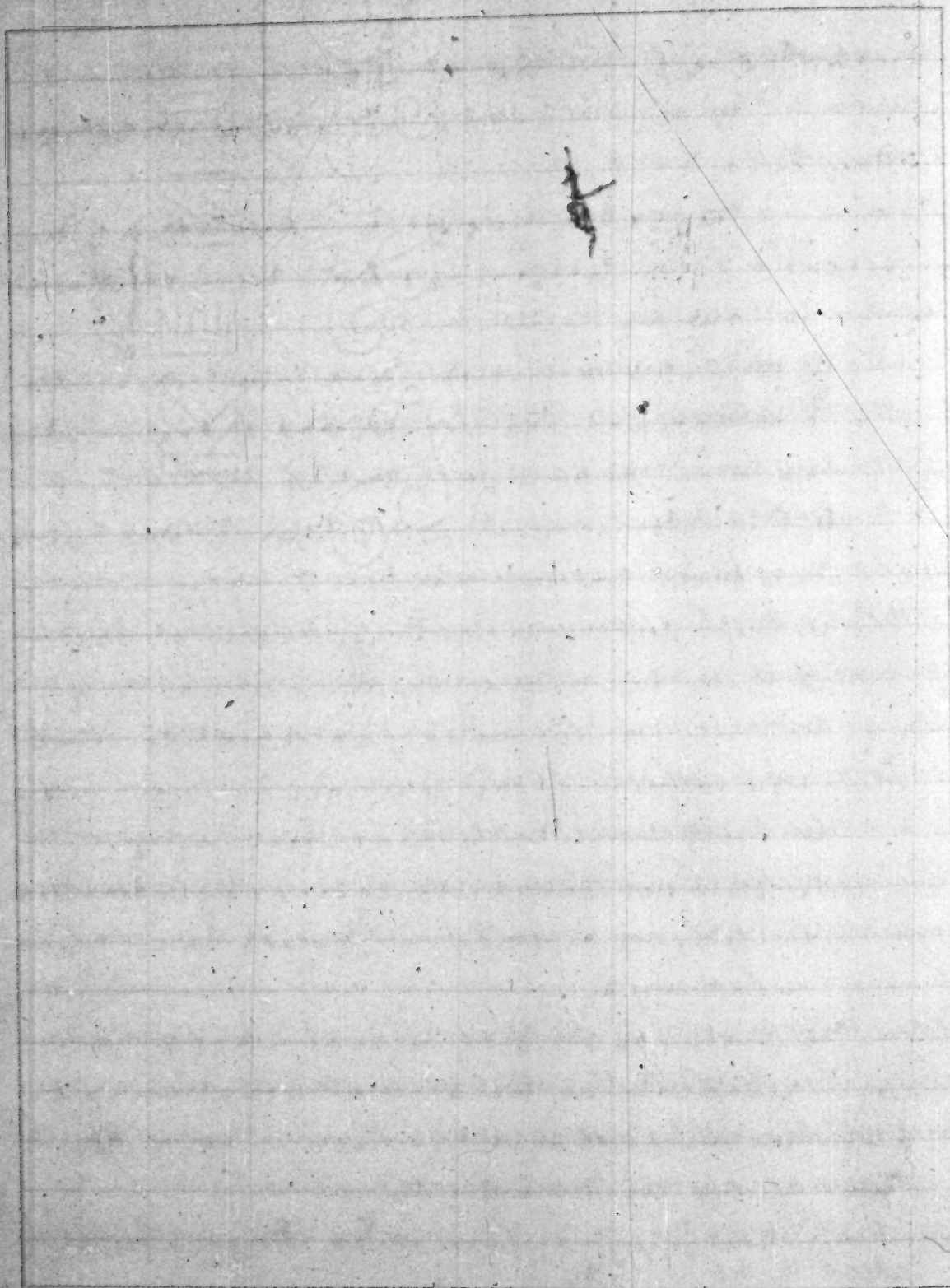
At a Council held at the Council Chamber in Charles Town Thursday the 25th February 1730. Present His Excellency the Governor His Honor the Lieut Govern^r. The Hon^{ble} Arthur Middleton Francis Yonge Rob^t Wright, John Fenwick, Joseph Wragg and Thomas Moring His Excellency having been pleased to lay before the Board a Memorial of Nicholas Drott Esq. claiming the Office of Chief Justice of this Province for the reasons therein contained. and that he is ready to take upon him the Execution of the said Office and desiring to take the State Oaths to his Sacred Majesty to qualify him for that purpose

Upon reading the said Memorial and his Excellency having received his Majesty's sign Manual bearing date the 30th day of November last Commanding him to appoint the Hon^{ble} Robert Wright Esq. Chief Justice of this Province & his Excellency having (in obedience thereto) appointed the said Robert Wright Esq. into the said Office & duly qualified him for the execution thereof It is Resolved That the Clerk of this Board do acquaint the said Nicholas Drott herewith in answer to his said Memorial

The above is a true Copy from the Journal Examined by me

Rec^d 26 Jan^y } 1731
Read 16 Feb^y } 2

Hen: Hargrave C^l Con^t



50
B. P. R. O. A. & N. S. Vol. 19. p. 11th

Charles Town y^e 15th Nov^r 1731.

My Lord,

The 20th of August last we finished the sessions of Gen^l Assembly when I gave my Assent to the following Bills viz^t

A Bill for confirming and establishing the ancient and approved Method of drawing juries in this Province by balloting &c.

A Bill for remission of Arrears of Suit Rent &c Tax Bill for the year 1731.

A Bill for erecting two Chapels at Santee.

A Bill for reprinting the Currency.

A Bill for appointing an Agent to Solicit the Affairs of this Province in Great Britain.

A Bill for establishing five Terrys.

A Bill for better regulating the Indian Trade.

A Bill for reviving the several Laws therein mentioned.

A Bill for obliging Persons Living and residing in the several Countrys and Precincts of this Province to serve on juries in Charles Town.

A Bill for appropriating the summe of £

£ 104, 775. 1. 3 $\frac{1}{4}$. towards the payment of the Publick Debts.

I now transmit the said Acts to the Lords of Trade, with the Journals of Council and Assembly and the Naval Officers Accots of Ships enter'd and clear'd in his office from the 24th of December 1730 to the 29th of September last.

It is pursuant to the 19th Article of His Maj^{ty}s Instruction that I have obtained the Act for remission of arrears of Quit Rents &c. it took up much time and debate between the Council and Assembly to adjust; by it they have effectually secured the payment of His Majestys Quit Rents in Proclamation Money, which by the former Law for ascertaining the Prices of Lands &c. they were not oblig'd to, and they Hope His Maj^{ty} will be Graciously pleas'd in consideration thereof to approve that part that confirms their Titles however deficient they may be in Law, for that they have pay'd great summes of Money for the purchase of the Lands they hold by the said Titles, and have greatly improved them, and likewise that by this Act they have repeal'd the Law, as the Lords of Trade desired viz^t for ascertaining the Prices of Lands &c.

in

in which there is a clause that effectually confirms all deficient Titles; and as this part of the Law is absolutely necessary for the Peace and tranquillity of the Province, and the reserved Quit Rents are secured to His Majesty, I hope it will meet with his approbation, and that I may have notice of it, else I shall be at a loss how to proceed.

Pursuant to His Majesty's 20th Instruction an Act is passed suspending the sinking the present Paper Bills for 7 years, which gives great satisfaction to the People in general, the want of currency being very great in this Province.

There has not been a Tax raised these four years past, but they have now passed an Act for raising 27,905 for the service of the current year.

There has been no Courts of Justice held these four years, for want of a jury, but now by the jury Act a new jury Box is filled.

The rest of the Laws past relating purely to the publick Utility, I don't trouble your Grace with remarks upon them.

I send by this conveyance to the Lords of Trade, a copy of Judge Irot's Commission, and the late President and Council, and my proceedings
upon

upon his demanding to be Invested in his Authority, which in Governor Nicholson's time he owned he had no right to.

The Assembly have agreed to raise £800 Stg for building a small Fort and Barracks at Alatomaha and Port Royal, they call it a Loan to His Majesty and hope he will please to reimburse that Summe

The Assembly have allowed me the value of £500 Stg for my attendance and services in England, especially that of endeavouring their being put under his Maj^y Immediate Government; they have likewise allowed me £114 Stg for the Rent I actually pay for the House I live in, in the said Estimate they have also provided £500 Stg for the year as a Salary to me. I can assure your Grace that without that allowance it will be impossible for me to support the Dignity of my Office, for now the Independent Company is separated from the Government the perquisites of it are not worth £100 Stg a year.

I shall send the Lords of Trade the Store-keeper and Gunners Accounts.

I received the Honour of Your Graces Letter of the 30th April last ordering me to give all due Encouragement to the Agents appointed by my Lord
Barbours

54
barteret for taking up Barons, and collecting his
Quit Rents here, which I shall be sure to obey.

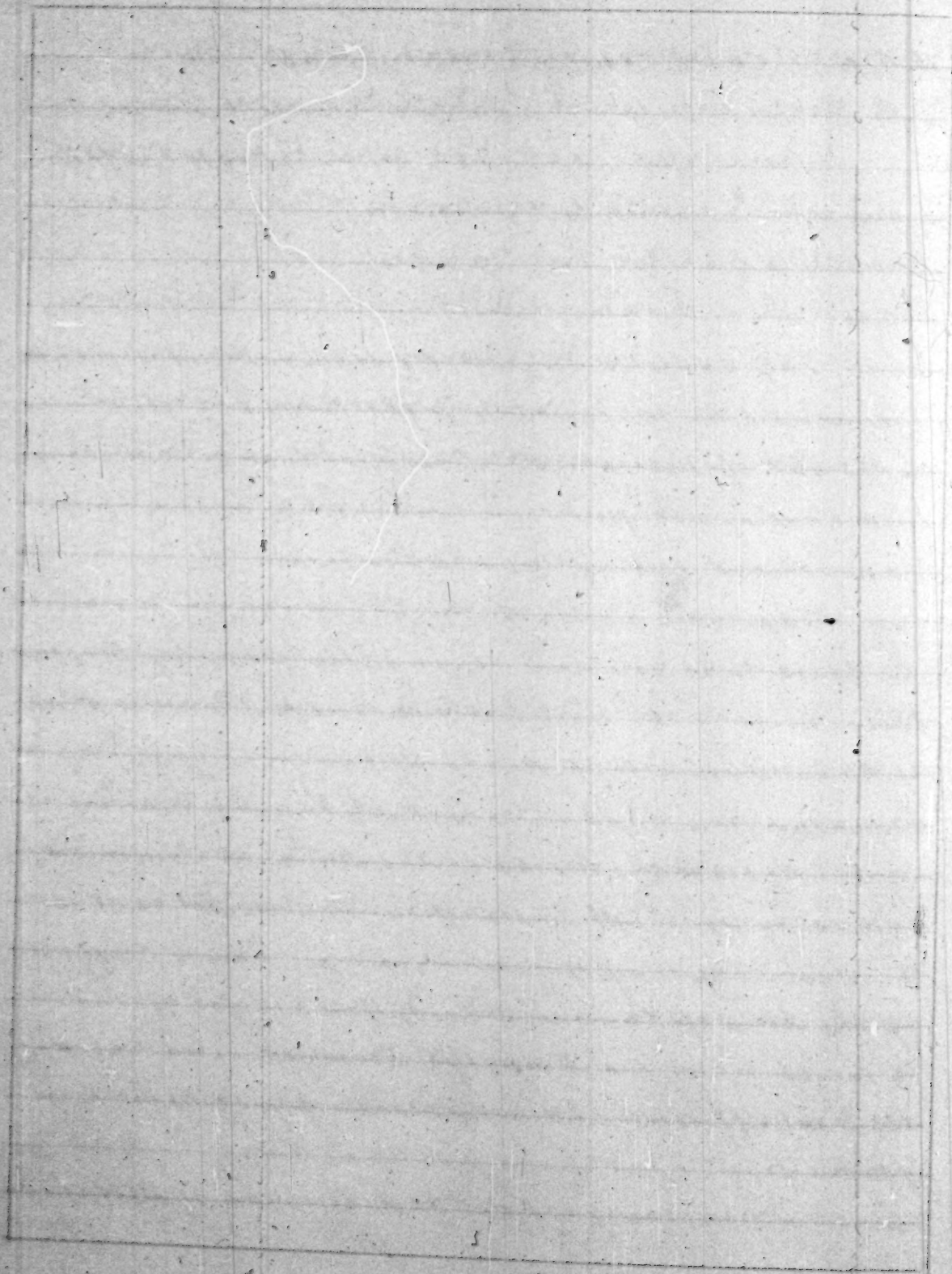
I hope your Grace had mine of August the 12th
in which I gave an account of Mr Furys being ap-
pointed Agent for this Province.

I am with the greatest Submission

My Lord

Your Graces most Obedient
and devoted Humble Servant

Robt Johnson.



55

B. P. R. O. South Carolina (B.T.) Vol. 26. p. 19.

Whitehall

Nov 18th 1731.

To Col^o Johnson.

Sir,

My Lords Commiss^{rs} for Trade & Plantations has
Commanded me to acknowledge the Receipt of your Letters
of the 26th of March & 19th of August last, & to desire you
will continue to give them constant Accounts of all
Transactions during your Government.

By your Letter of the 26th of March you inform
the Board that you have allowed the Assembly to appoint
their own Clerk, until His Majesty's Pleasure shall
be known upon that Head; But I am Commanded to
acquaint you, that in this Kingdom His Majesty al-
ways appoints the Clerks to the House of Commons,
and as by your 14th Instruction, you are not to allow
the Assembly any greater Privilege than is claimed
by the House of Commons here, you are for y^r future
to insist upon His Majesty's Privilege in naming
all his Officers; and are accordingly to name him
yourself.

I am Commanded to desire you will transmit
to

to my Lords Authentick Copies of all Laws passed by
you, & of all other publick proceedings. I am,

Sir,

Your Most humble Servt

Alured Popple

B. P. R. O. South Carolina B. J. Vol 5

Q. 14

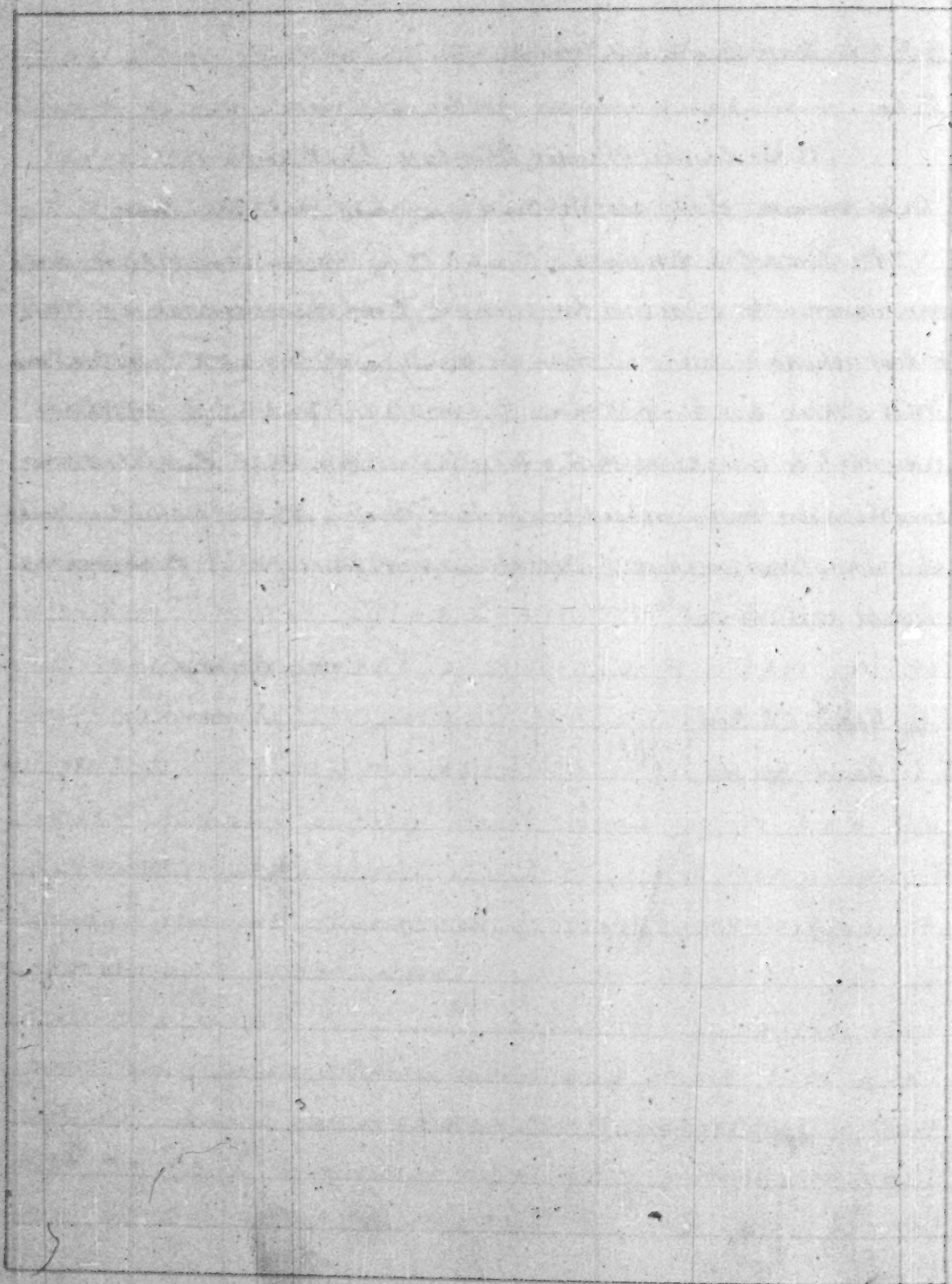
At the Council Chamber Whitehall 23 November 1731

By a Committee of the Lords of His Majestys most Hon^{ble} Privy Council

The Lords of the Committee of Council being this day attended by the Lords Commissioners for Trade and Plantations took into their consideration a Draft of Instructions prepared by them for His Majestys Governor of South Carolina about settling Six hundred Swiss Protestants in that province which are proposed to be transported thither by Monsieur Jean Pierre Parry And their Lordships are hereby pleased to refer back the said Draft of Instruction to the said Lords Commissioners to alter the same according to the Directions they received at the Board

Jas. Vernon

Rec^d 26 Nov }
Read 30 do } 1731



58
B. P. R. O. A. & N. S. Vol. 19. p. 30.

Charles Town South Carolina (27 Nov. 1731.)

Whereas in and by an Act of the General Assembly of this Province past the 20th day of Augt 1731 It is enacted That all persons residing within the Province of S^c Carolina who in their own right as likewise all Guardians Executors Trustees and Attorneys, who in right of others do hold or claim any Messuages Lands Tenements or Hereditaments within the s^d Province by virtue of any Patents or Grants from the late Lords Proprietors, or their Governors Deputys, Comm^{rs} or Trustees or by virtue of any Meane Conveyances under such Original Patentees or Grantees shall within Eighteen Months after the passing of the said Act register all and every such their Patents, Grants, Meane Conveyances, Deeds or Wills respectively or Memorials thereof in the Office of His Maj^{ty} Auditor General of this Province or his Deputy except Grants of Lots within y^e Townships Platts of Townships already laid out and leasehold Estates only; And also that all Mortgages of Lands and Tenem^{ts} in this Province, having any such Original Grants or Meane Conveyances in their hands of the Mortgageors shall

"shall register the same, or a Memorial thereof in
 "manner aforesaid" And further "That in case such
 persons who shall have Registered their Lands
 as a forest shall afterwards sell or dispose of
 the same or any part thereof, they shall cause
 a New Memorial to be made of the Indenture or
 deed by which the same are conveyed to be
 exhibited and filed with his Maj^{ty} Auditor Gen^l
 or His Deputy: And if devised by Will, then the
 Devisee, Executors or Administrators shall Exhibit
 a Memorial of such Will to be filed as aforesaid

And it is further Enacted by the Authority
 aforesaid That all Lands whatsoever lying and
 being within the said Province of South Carolina
 now in the Tenure or Occupation of any person or
 persons whatsoever living and residing within the
 same Province, that shall not be registered in the
 Office of the said Auditor Gen^l or his Deputy, within
 Eighteen Months after the sd Office shall be erected
 and Established in Charles Town, and Publick
 notice given thereof by the said Auditor Gen^l or
 his Deputy the same shall be reputed deem'd
 and taken as vacant Lands, and it shall be
 Lawfull for any person to take up the same."

This

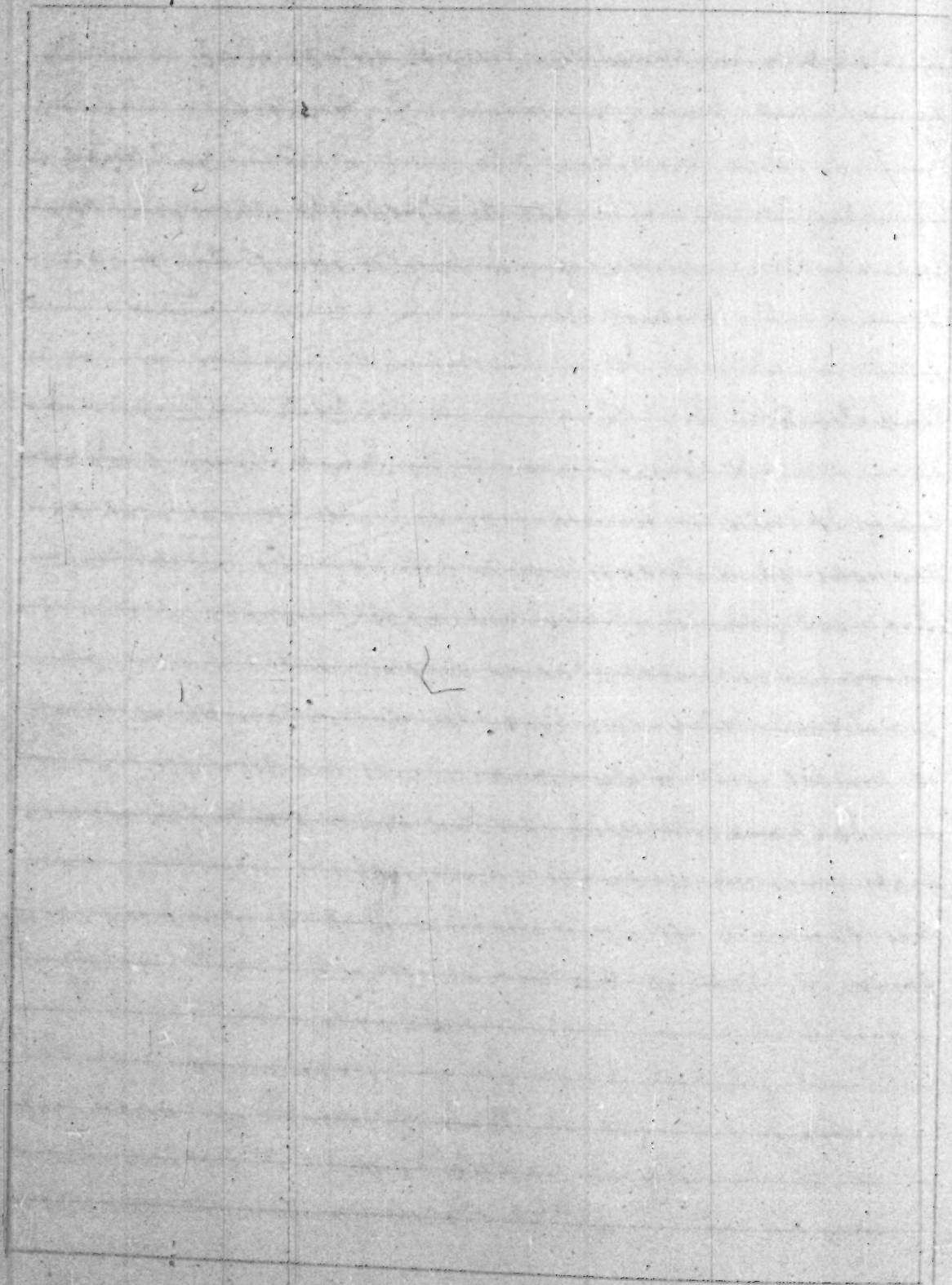
This is therefore to give notice that James St. John Esq^r being appointed by His Maj^{ty}s Auditor Gen^l of this Province has now opened his Office in Charles Town in order to Register all such Grants Patents Mesne Conveyances, Deeds, Wills &c or Memorials thereof to be filed as aforesaid as shall be brought to him the said Auditor Gen^l or his Deputy for that purpose, And that Attendance will be given at the Office of the said Aud^r Gen^l every day from the Hours of nine to twelve in the forenoon, and from two to five in the afternoon Sundays and Holydays excepted
Signed by Order of His Majestys said Auditor Gen^l Geo. Rolfe Dep. Auditor

A True Copy of the Printed Advertisement

Ex^t p

Jesse Badenhop

clerk



61
B. P. R. O. South Carolina (B.T.) Vol 26. p. 20.

Whitehall.

Nov 30th 1733.

To the Right Hon^{ble} the Lords Com-
mittee of His Majesty's most Hon^{ble} Privy
Council.

My Lords,

I pursuance to Your Lord^{ships} Order of the 23rd
Instant, We herewith transmit to Your Lordships the
Draught of an Instruction, which We have prepared
for Col^l Johnson, His Majesty's Governor of South
Carolina, whereby he is empowered under certain
conditions to Grant unto the Sieur Jean Pierre Parry
of Neufchatel in Switzerland, and his heirs for ever,
Twelve Thousand Acres of Land, subject to the usual Quit
Rent, reserved upon all Lands granted by the Crown in
this Province after the expiration of the first ten years
from the Date of his Grant. We are,

My Lords,

Your Lordships,

Most Obedient and Most humble
Servants. P. Dominique

Ch. Bridgeman. J. Pelham.

[Enclosure]

Additional Instruction. To Our Trusty &
 Welbeloved Robert Johnson, Esq. Our Capt.
 General and Governor in Chief in & over
 Our Province of South Carolina in -
 America; or to the Commander in Chief
 of Our said Province for the time being
 Gwinn &c.,

Whereas the Sieur Jean Pierre Purry of Neuchâtel
 in Switzerland, was in the Year 1725 recommended by Our
 Commissioners for Trade & Plantations to the Late Lords
 Proprietors of Carolina, as a person well qualified for
 the making a settlement of Swiss Protestants in that
 Province; And whereas the several Grants of Land amount-
 ing to Forty Thousand Acres made to him, by the said
 Late Lords Proprietors upon that Recommendation, being
 now become void, because certain conditions contained there-
 in to be performed by the said Lords Proprietors, were
 never complied with. The said Purry has lately renewed
 his Application to Our said Commissioners for Trade
 and proposed to settle Six Hundred Swiss Protestants
 in Carolina, including Women & Children at their
 own Expence, within the space of Six Years to commence
 from Christmas next upon condition that they be
 &c.

received, treated there and entitled to the same Privileges as Our own Subjects, and provided We do grant to the said Purry and his Heirs, in consideration of his Trouble & Labour & Expence 12,000 Acres of Land in that Province free from Quit Rent.

Now Having Considerd the said Purrys Proposal together with the Opinion of Our Commissioners for Trade & Plantations thereupon We are graciously pleased to agree thereto upon the following Conditions,

First that the said Swiss, or at least so many of them, as are of a competent Age for that purpose, do take the usual Oaths of Allegiance to us upon their Arrival in Carolina respectively;

That after they have taken the said Oaths, you do grant them Lands & settle them in such Places in such manner as you shall Judge most conducive to y^e Interest & Security of y^e sd Province.

But you are to take Notice that the said Purry is not entitled to the 12,000 Acres of Land by him demanded, for himself & his Heirs until it shall appear to you by Certificates from One or more Officers of Our Customs in that Province, that the said Purry hath Imported or caused to be Imported into South Carolina, according to his Proposal

Six

Six hundred Swiss Protestants, including women & children, within the term of Six Years to commence from Christmas day next.

Upon which Certificates you are hereby empowered to Grant unto the said Purry and his Heirs for ever 12,000 Acres of Land subject to the Quit Rent, reserved by your Instructions after the Expiration of the first Ten Years from the Date of his Grant.

65
B P R O South Carolina B 2 Vol 5

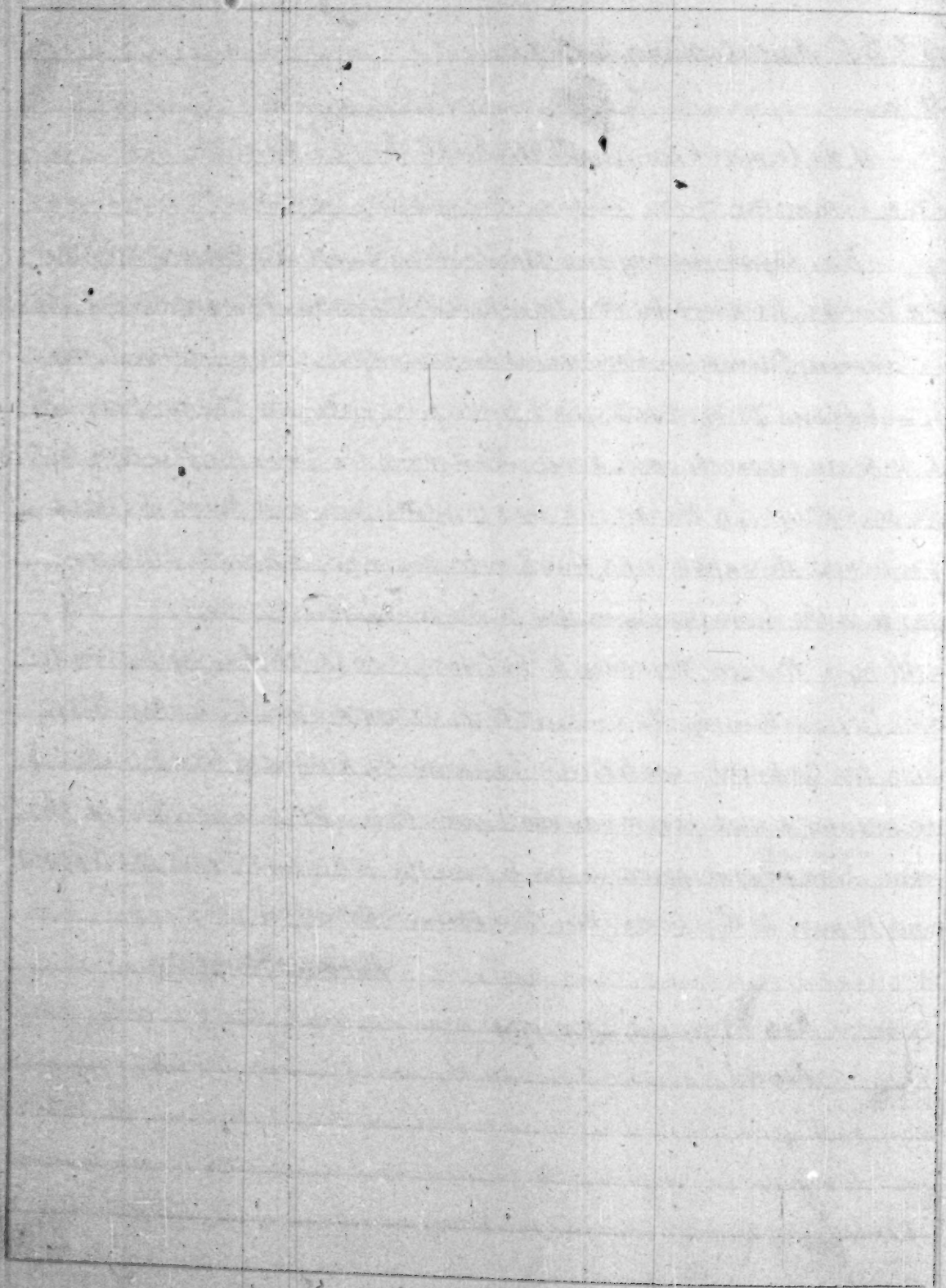
D. 15

At the Council Chamber Whitehall the 14th December 1731
By a Committee of the Lords of His Majestys most Hon^{ble} Privy Council

His Majesty having been pleased to refer unto this Committee a draft of a Charter prepared by His Majestys Attorney and Solicitor General for Establishing Colonys in America - and likewise to refer a petition of the Lord Viscount Percival and others petitioners for the said Charter praying to be heard upon the said Draft - The Lords of the Committee this day took the said Draft of a Charter into their Consideration and heard the said petitioners thereupon and think it proper hereby to refer the following points to the Lords Commissioners for Trade and plantations viz^t For settling a Western Boundary to the Colony to be Established by this Charter and for ascertaining the distance of the Islands upon the Eastern Shore from the Continent - As likewise for fixing the Number of Acres proper to be granted to each person who shall settle there. Upon which points the said Lords Commissioners are to hear the petitioners for the said Charter and Report to this Committee their Opinion thereupon

Temple Stanvan.

Rec^d } 14 december 1731
Read }



B P R O South Carolina B 2 Vol 5

Q 24

Charles Town 16th Dec^r 1731

To the Right Hon^{ble} the Lords of Trade

My Lords

In obedience to your Lordships Commands signified to me by M^r Popple by his letter of the 16th of June last I herewith transmit your Lordships an account of what Impositions are laid on my Goods here and what Manufactories are set up that may affect the Trade of Great Britain or the Navigation thereof. And as the latter is very much affected to its advantage by the Trade of this place and the Manufactories no ways prejudiced I am in hopes your Lordships will think this Colony in a particular manner deserves the Concern and encouragement of the Legislature at home

Your Lordships will perceive by the said Account that altho this Province has within this ten years more than doubled the produce in Rice, which employs more than double the Negroes more than double the Land cultivated, and consequently double the Labour and Industry, and double the quantity of shipping employed and clothing made in England (no small advantage to the British Nation) Yet from their being obliged to sell it all in Europe, and most of it in England. Fifty thousand in Barrels has produced them less Sterling Money this last year 1731 than 22000 did shipped home in the year 1721 and it is to be feared very justly that if they continue to increase that Commodity they will still lose more in proportion to that increase unless the trade to Portugal shoulda very much augment the Demand, which good effect we have
not

not yet found But if we had been permitted by the late Act of Parliament that gives us leave to send it directly there. to have sent it also to any part Southward of Cape Ushant we had then had all Biocay and some part of France as well as all America to have taken off some of it and this we were in hopes to have obtained and still are in hopes that thro' your Lordships good offices the Parliament may in some short time be induced to give us since it is plain that let us sell where we will the net proceed is so much added to the Wealth of Great Britain besides the great advantage of employing so many Ships and the low price it is now fallen to makes the Assembly talk of confining the planters to cultivate a certain quantity of Land each according to the number of their slaves to prevent their being ruined by their own Industry. This they have done in Virginia with their Tobacco which altho' it has produced the Effect the planters wanted has however to be sure been very prejudicial to his Majesty in His customs and much lessened the number of Ships employed in that Trade. which must also be the consequence in our case if we are obliged to do the same thing. which may be worth your Lordships consideration

I by my Letter of the 16th of November last sent your Lordships my Reasons for passing the Act for ascertaining His Majesty's Quit Rents That Act seems in a Manner almost suspended until we can have His Majesty's directions thereon it being of great concern as well to His Majesty as the province I am in hopes Your Lordships will send me your thoughts and His Majesty's Orders thereon as soon as possible and M^r Jany our Agent has directions to attend your Lordships for

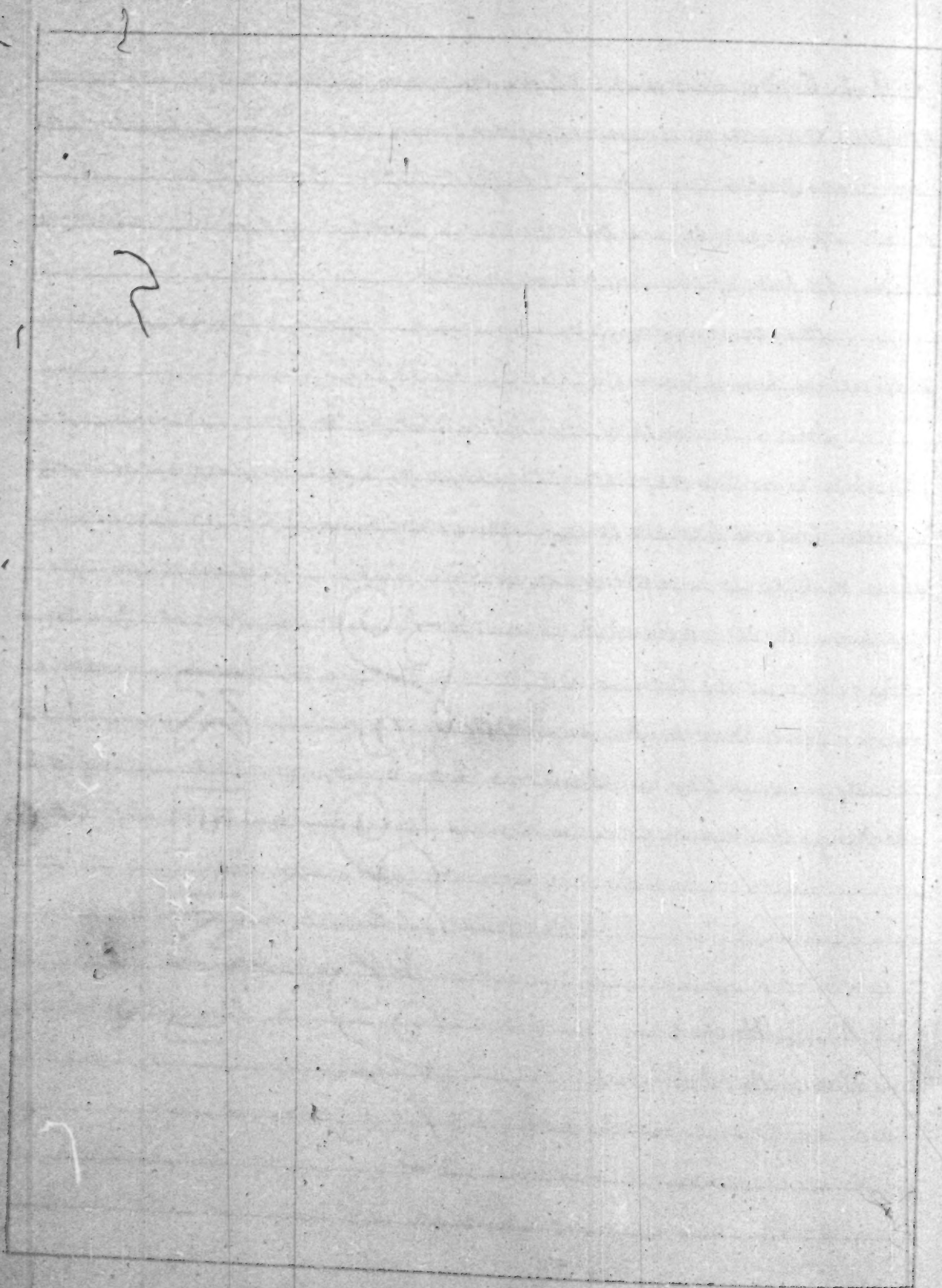
for that purpose. and unless I know His Majesty's pleasure upon it I refuse to Grant Warrants to survey or lay out any Lands granted by patents by the late Lords proprietors fearing it might strengthen their Titles on the other hand I find people very backwards in Registering their Titles till they know the fate of the Quit Rent Law.

The Land office is now open and I send your Lordships a copy of the altered form of Grants

Several Gentlemen of Great fortune are come here from Barbados and elsewhere to see how they like the Country and being desirous to secure Lands to settle. but not having brought Slaves or Whites with them. to intitle them to take up a sufficient quantity of Land. and they applying for the same. by the advice of the Council we have granted them the Lands they desire. at the Annual Quit Rent of 3^s Sterl for hundred Acres they first having given Bond to His Majesty at the rate of £50 Sterl for every 500 acres that they will in three years import a Soul either Black or White. according to the Kings Instruction for every 50 Acres I am with great respect. My Lords

Your Lordships most obedient
and most humble Servant
Rob^t Johnson

Rec^d 26 Jan^y }
Read 16 Feb^y } 173¹/₂



B. J. R. O. South Carolina B. J. vol 5

Q 24^o

South Carolina

Account of the Net Produce
of Rice Shipped off for Great
Britain from So. Carolina
in the years 1721 & 1731

(referred to in Col Johnsons Ltr 16 Dec 1731)

Rec^d 26 Jan } 1731
Read 16 Feb } 1/2

South Carolina 1721 This Year was

L^r

		Sterd		
1731	To Custom on 88000 Great Rice at 4s Kings beam	£	23466	13 - 14
	at 5 ^s 4 ^d p ^c !			
	To freight of 4400 Tons at 60 ^s p ^c Ton		13200	0 - 0
	To primage of 22000 Bar ^{ls} at 3 ^d p ^c Bar ^{ls}		275	0 - 0
	To Lighterage and Wharfage at 6 ^d p ^c Bar ^{ls}		550	0 - 0
	To Landing and Housing at 4 ^d p ^c Bar ^{ls}		366	13 - 14
	To Cooperage and Warehouse Room a medium at 5 ^d p ^c Bar ^{ls}		733	6 - 8
	To Shifting taring and Weighing at 4 ^d p ^c Bar ^{ls}		366	13 - 14
	To entry at Custom House Brokerage, Sailing new Casks			
	and other incident charges at 12 ^d p ^c Bar ^{ls}		1100	0 - 0
	To Commission at 2 1/2 p ^c !		1950	0 - 0
			42038	6 - 8
The Net proceeds in Great Britain			37161	13 - 14
			£79200	0 - 0

1731	To Custom on 200000 O ⁿ Rice at Kings Beam at 5 1/2 p ^c	£	53333	6 - 8
	To freight of 1000 Tons at 60 ^s per Ton		30000	0 - 0
	To primage of 50000 Bar ^{ls} at 3 ^d p ^c Bar ^{ls}		625	0 - 0
	To Lighterage and Wharfage at 6 ^d p ^c Bar ^{ls}		1250	0 - 0
	To Landing & housing at 4 ^d p ^c Bar ^{ls}		833	6 - 8
	To Cooperage and Warehouse Room at a medium 5 ^d p ^c Bar ^{ls}		1666	13 - 14
	To Shifting taring and Weighing at 4 ^d p ^c Bar ^{ls}		833	6 - 8
	To Entry at Custom House Brokerage, sailing New Casks			
	1 other Incident Charges at 12 ^d p ^c Bar ^{ls}		2500	0 - 0
	To Comm ^o at 2 1/2 p ^c Cent		3625	0 - 0
			94666	13 - 4
To net proceeds in Great Britain			50333	6 - 8
			£145000	0 - 0

N. B. It is to be observed the fall of this Commodity in the last ten years is so great Great Britain but £4671. 13. 14 more than 22000 Bar^{ls} in the year 1721 quantity of Land planted and the same proportion of Labor to make annual labor of their Negroes. their Crops of Rice will not produce at of their Negroes and Land cultivated if therefore the fall on this Com- same without the Enumeration being taken quite off or some other situation.

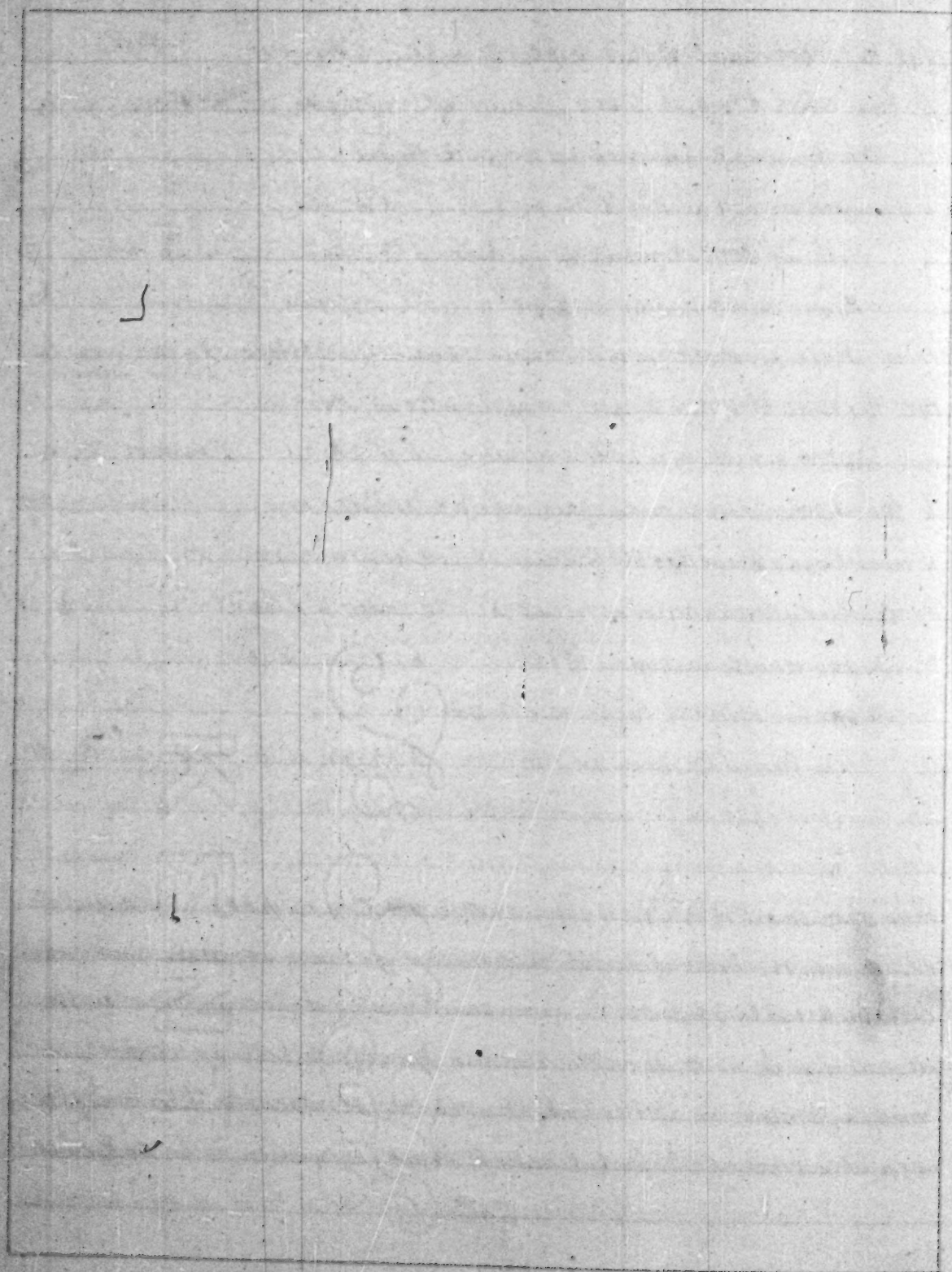
Shipped off the province 22000 Barr^{ls} Rice

6^r

1721 By 22000 Barr^{ls} of Rice Shipped off weighing 4 C each Barr^l is 88000 C which is at a Medium sold at 18¹/₂ p^{er} C. £ 79200 . 0 . 0
Ten thousand Negroes computed to be in the province
worth one with another 20^l St^{er} per head is £ 200,000
Clothing 10000 Negroes at 15¹/₂ p^{er} head is £ 7500
Taxes and Casualty at 10 p^{er} C. 1000
The labour of 10000 negroes cleared net in S^t Britain 1721 £ 88661. 13. 4 £ 37161. 13. 4

1731 By 50000 Barr^{ls} of Rice shipped off weighing 4 C each Barr^l is 200000 which at a Medium sold at 14⁵/₈ p^{er} C. is £ 145000 . 0 . 0
Twenty thousand Negroes computed to be in the province
worth one with another 20^l St^{er} per head is £ 400000 . 0 . 0
Clothing 20000 Negroes at 15¹/₂ p^{er} head is £ 15000 . 0 . 0
Taxes and Casualty at 10 p^{er} C. £ 2000 . 0 . 0
The labor of 20000 Negroes cleared net
in Great Britain in 1731 £ 33333. 6. 8 £ 50.333. 6. 8

that 50000 Barr^{ls} of Rice in the Year 1731 yielded clear all Expenses deducted in altho it is the labor of double the Number of Negroes near three times the it Marketable after all the Care and Industry of the Planters and the Market in Great Britain the Common Interest in Carolina on the Value of the commodity continues, as the duty Freight and all other charges are the encouragement the Inhabitants of this province will be in a miserate



B. P. R. O. South Carolina B. J. vol 5

Q. 25

14 Dec^r 1731

My Lords

In order to set the Capias and Summons process in South Carolina in a clear light I beg leave humbly to observe to your Lordships that in all parts of America (Islands as well as others) the Capias was the original process But in such Cases as the Climate or product required many Negroes whenever there came to be a great disproportion of Slaves to White people then the Summons was found necessary to be introduced to aid the Capias For near the first forty years in South Carolina the process was by Capias only, nor would any other now be required was the province in the same condition it was then But about the year 1713 when the number of Negroes was increased they instituted the Summons Act (I believe) for two Years at first and afterwards it was made indefinite In the Year 1720 it being thought too severe, as to the double Mlage and double process it was remedied by an act by an Act of Assembly which was also indefinite About the Year 1726 after the Merchants had given the planters very large credit, the planters in a very tumultuous manner got (by Act of Assembly) the summons superseded and the Capias introduced again And here I beg leave to hint of what ill consequence it may be to have an Act which immediately concerns the property of the British Merchants repealed, only by some loose General words without so much as reciting the Act which is the case here in point before
your

your Lordships

I entirely agree with M^r Johnson as to the abuses committed by the provost marshalls in South Carolina And the case was this The late Lords proprietors for their Governors Emolument always permitted them to nominate the Provost Marshall who was accountable to the Governors for half profits and sometimes more and for this & reasons the Marshalls were generally protected in all their unjustifiable practices But now the acting provost Marshal is to give security (as is highly reasonable) to answer for all Mal-practices That Officer will be obliged to the faithful execution of his Office in South Carolina as well as Jamaica and other parts of the provinces in America For had the practices of the provost Marshall been not to be remedied after 13 years Trial of the Summons Act one would reasonably have expected to have found some mention at least of such ill behaviour in the Act of 1726 which repeals the Summons And M^r Johnson takes no notice of the hazard of his life that the Marshall now runs in serving the Capias out of Charles Town the frequent Rescues from the officer how the negroes are let loose upon him and he frequently whipped or drawn through a ditch and all complaints upon this head are to no purpose for legal proof cannot be made that it was by their Masters order tho every one knows it could not be done without it And these irregularities which cannot otherwise be prevented were the cause of the Summons both in South Carolina Jamaica Barbadoes and other places where the Negroes are numerous

Your

7th

Your Lordships I am sure will observe the proviso in the act of 1720 for the Amendm^t of the Law whereby thirty days is allowed before execution on judgement. shall be granted if the party be brought into court by Summons in which time it is hardly possible but he must be apprised of what is going on against him unless he be an Indian Trader for whom I sometime ago took the Liberty to propose a remedy and if the party be Summoned upon an account not to be maintained he has ample Redress against his Adversary by Law.

I most humbly offer to your Lordships consideration his Majestys Letters patents to me for the Office of Provost Marshall the Benefit of w^{ch} I am entirely deprived of by the present Capias Act and (out of modesty) I kept from complaining till your Lordships had heard from M^r Johnson upon that head. but now I must desire Your Lordships to hear and redress my complaint.

The last part of M^r Johnson's Letter is very fallacious. for of what use can it be to the Merchants that they may try the cases out of the precinct Courts where they may have fair Juries unless they can bring their Debtors (the planters) into Court. which I will bet out of Charles Town they cannot do unless the summons be restored.

The real Truth My Lords is that the greatest part of the planters being indebted to the Merchants M^r Johnson is afraid of doing any thing that may disoblige the planters. especially at this juncture his Appointment being by the Country only granted for one year I humbly conjure your Lordships to hear the act for the Amendment of
of

of the Law read and then your Lordships will be convinced that nothing is desired but what is absolutely necessary for the obtaining Common Justice. I am with the greatest respect. My Lords

Your Lordships most obedient
and most humble Servant

Tho: Lowndes

P.S. If the objection that the Act for the Amendment of the Law was passed by Gov^r alone be allowed, several of the Best Acts will be void, and great confusion ensue in the province

Rec^d 15th december 1731 }
Read 22nd Febr^y 1731^{1/2} }

Whitehall

Dec^r 22^d 1731.

To the Right Hon^{ble} the Lords of the
Committee of His Majesty's most Hon^{ble}
Privy Council.

My Lords.

In pursuance of your Lord^{ships} Order of the
14th of this Month, referring to us the following Points
(Viz^t) The Settling a Western Boundary to the Colony
to be Established in South Carolina by Virtue of
a Charter, petitioned for, by the Lord Percival and
others, & for ascertaining y^e Distance of the Islands
upon the Eastern Shore from y^e Continent, as like-
wise for fixing the Number of Acres proper to be
granted to each Person who shall settle there; We
have been attended by some of the Petitioners &
take leave to represent to your Lordships.

That We think the Western Boundary of
this New Charter, may extend as far as that des-
cribed in the Antient Patents granted by King
Charles 2^d to the late Lords Proprietors of Carolina
whereby that Province was allowed to extend West
ward

of the Law read and then your Lordships will be convinced that nothing is desired but what is absolutely necessary for the obtaining Common Justice. I am with the greatest respect. My Lords

Your Lordships most obedient
and most humble Servant

Tho: Loundes

P.S. If the objection that the Act for the Amendment of the Law was passed by Gov^r Moore be allowed, several of the Best Acts will be void, and great confusion ensue in the Province

Rec^d 15th December 1731 }

Read 22nd Febr^y 1731^{1/2} }

76
B. P. R. O. South Carolina (B.T.) Vol. 26. p. 28.

Whitehall

Decr 22^d 1731.

To the Right Hon^{ble} the Lords of the
Committee of His Majesty's most Hon^{ble}
Privy Council.

My Lords.

In pursuance of your Lord^{ships} Order of the
14th of this Month, referring to us the following Points
Vizt: The Settling a Western Boundary to the Colony
to be Established in South Carolina by Virtue of
a Charter, petitioned for, by the Lord Percival and
others, & for ascertaining y^e Distance of the Islands
upon the Eastern Shore from y^e Continent, as like-
wise for fixing the Number of Acres proper to be
granted to each Person who shall settle there; We
have been attended by some of the Petitioners &
take leave to represent to your Lordships.

That We think the Western Boundary of
this New Charter, may extend as far as that des-
cribed in the Antient Patents granted by King
Charles 2^d to the late Lords Proprietors of Carolina
whereby that Province was allow'd to extend West
ward.

ward in a direct Line as far as the South Seas.

With respect to y^e Islands upon y^e Eastern Shore from the Continent, We think this new Charter may include such as lie opposite to & within — Twenty Leagues of the Coast between the Rivers Savannah & Alatomaha, which are not already inhabited or settled by any Authority deriv'd from the Crown & as to the Quantity of Land to be granted to each person who shall settle within the Limits of this Charter, We are humbly of Opinion that y^e Proprietors should be restrained from granting above five Hundred Acres to any one Person, We are

My Lords &c,

P. Dorninque.

J. Pelham.

Mr. Bridgeman.

Exd.

B. P. R. Q. South Carolina (RT) Vol. 26. p. 26.

Whitchall.

Feb. 16th 1731/2.

To Frank Jans Esq^r

Sir,

My Lords Commissioners for Trade & Plantations
Command me to send you the Eleven inclosed Acts
pass'd in South Carolina in Aug^t last, and to desire
Yo^r Opinion thereupon in point of Law; as soon as
Conveniently may be. I am

S^r

Yo^r most humble Serv^t

Alured Popple.

1. An Act, to repeal an Act for appointing a
Chappel at Echaw in the Parish of St James'santee
in Craven County, and for erecting two other Chappels
in the said Parish, and to provide that y^e Rector
for the time being of the said Parish do preach &
Perform Divine Service in the English Tongue.
2. An Act, confirming & Establishing the An-
cient & Approved Method of drawing Juries by
Ballot in this Province, & for the better Adminis-
tration

tration of Justice in Criminal Cases, and for y^{e} appointing of Special Courts for the Tryal of y^{e} Causes of Transient p^{e} sons, declaring the power of the Provost Marshal for allowing the proof of Deeds beyond the seas, as Evidence, and for Repealing y^{e} sc^{e} Acts of y^{e} Gen^l Assembly therein mentioned.

3. An Act, for remission of Arrears of Lint-rents, & for Registering of Patents, Grants or Memorials of Patents & Grants, and Memorials of Title Deeds, for the better ascertaining & Regulating y^{e} payment of His Majesty's Lint Rents for y^{e} future, & for y^{e} supplying y^{e} Defect of those Patents & Grants, where any Lands have been inclosed out, &c. and for suspending y^{e} Act for calling in & sinking y^{e} Paper Bills & for appropriating the Money, &c.

4. An Act, for Raising y^{e} sum of 24.905 L for defraying y^{e} Charges of y^{e} Gov^{mt} for One Year, commencing y^{e} 25th March 1731 & ending 25th March 1732.

5. An Act, for calling in Reprinting & exchanging y^{e} paper Bills of Credit.

6. An Act, for appointing an Agent to solicit the Affairs of this Province in Gt. Britain.

7. An Act, for Establishing five Ferries One over Wingaw River two over Santee River, one over Sam-
pit

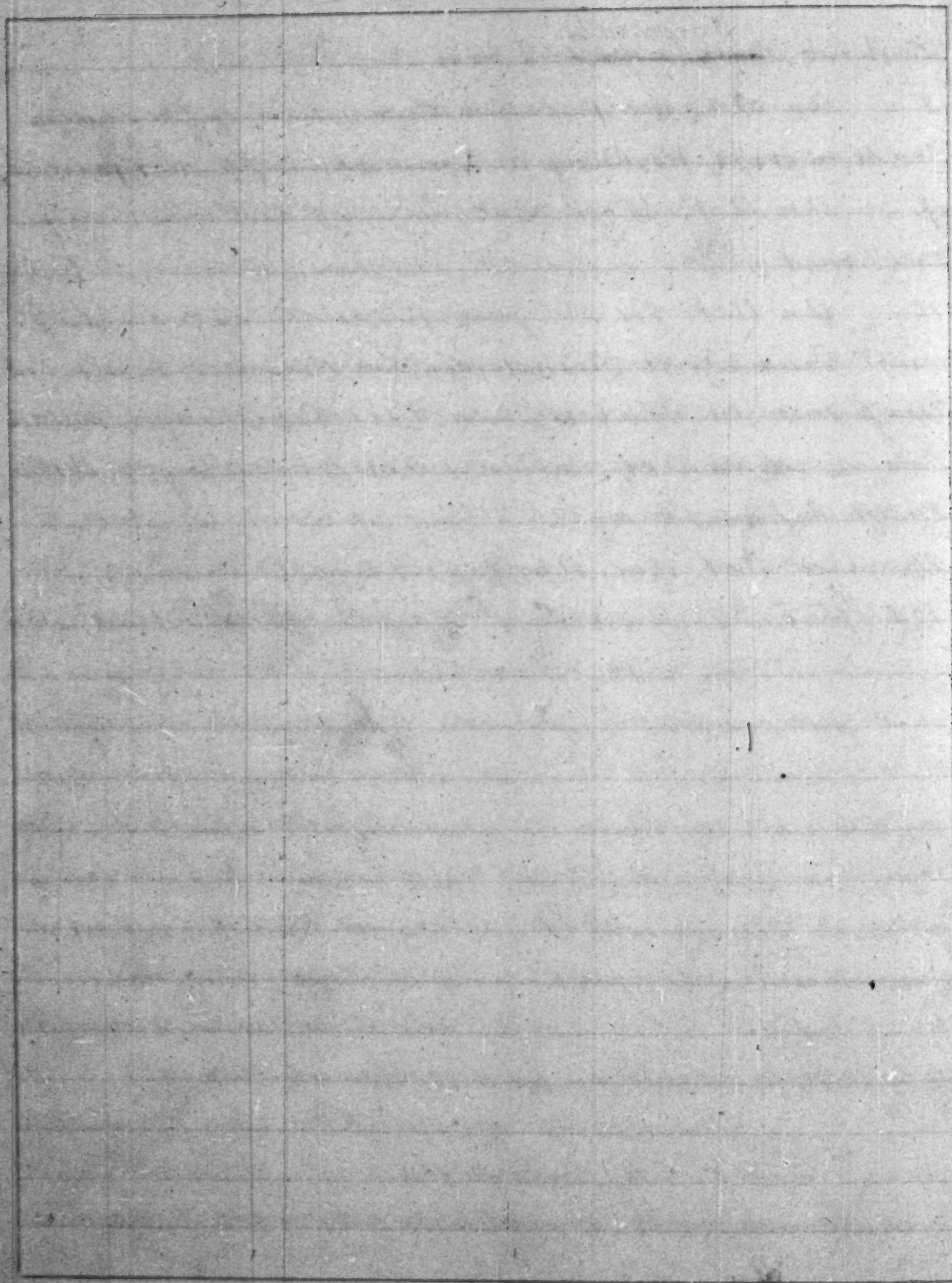
Lampit Creek, and one over Cooper River.

8. An Act, for y^e better Regulation of the Indian Trade & for Appointing a Commission^r for that purpose

9. An Act, to revive & continue y^e 2^d Act therein mentioned.

10. An Act, for obliging Persons living & residing in y^e Counties & Towns of this Province, to serve as Jury men in Charles Town, & for Repealing a certain Clause in an Act Ent^d an Act for settling y^e Titles of y^e Inhabitants, &c.

11. An Act, for Appropriating y^e sum of — 104,475. l. 3⁴ towards y^e paymt of y^e Publick Debt.



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B. N. R. O. Journals
South Carolina B. 2. vol 42

Whitehall Tuesday 15 February 1732

A Meeting of His Majesty's Commissioners for Trade & Plantations
Present

M^r Doctiniquo. M^r Nelham. M^r Ashe. S^r O. Bridgman. M^r Brudenell. S^r A. Croft

A Letter from M^r Balaguer dated the 14th Inst desiring in behalf of the Lord Carteret Copies of any Acts that have been passed in Carolina and of all papers which relate to the Granting of Lands and remitting the Quit Rents in that Province was read. Whereupon ordered that Copies be made accordingly.

16 February 1732

M^r Thomas Lowndes Provost Marshall of South Carolina attending desired the Board would please to appoint some time for considering the Act of that Province passed in 1726 for the better settling of the Courts of Justice, there being many objections to that part of it which establishes a Capias instead of a Summons. M^r Lowndes being withdrawn the Board took into consideration the Letter from Col Johnson Sec^y of this Province read the 16th of Nov^r last. and read the Memorial of several Merchants and others trading to South Carolina desiring a repeal of the before mentioned Act.

22 February 1731

The Board then taking into consideration a Letter from M^r Lowndes
Provost

Wm. Marshall of South Carolina relating to the Methods of Process at Law and the following Acts passed in this Province Viz: an Act for the Amendment of the Law passed in 1720 and An Act for the better settling of the Courts of Justice passed in 1726 together with M^r. Jones report upon the latter of them and the two Memorials from the Merchants trading to South Carolina against the latter of these Acts mentioned in the minutes directions were given for preparing the Draft of a Report for repealing the same

20 April 1732

An order of the Committee of Council dated the 9th of last month referring to the Board a Representation of M^r. Vat in behalf of M^r. Furry praying a Grant of 48000 Acres of Land in South Carolina was read And directions were given for acquainting M^r. Furry's agent and the Agent for South Carolina with the Boards desire of speaking with them on Tuesday morning next

25 April 1732

M^r. Vat Agent for M^r. Furry attending as he had been desired as also M^r. Furri Agent for South Carolina the Board took again into consideration the order of the Committee the Grant of 48000 Acres of Land in the said Province read the 20th Inst and desired M^r. Vat would inform the Board whether M^r. Furry proposed to settle the 600 Swedes upon the 48000 Acres of Land which he petitions for to which M^r. Vat said he did

B. J. Journals

did not. intending that Grant as a Security to those persons from whom he intended to borrow the Money that was necessary to defray the charge of re-transporting the said Goods - That he could not raise a sufficient sum upon a less quantity of Land and therefore desired the Board would report in favor of Mr. Purry's petition upon which the Board resolved to consider further thereof at another opportunity

27 April 1732

Their Lordships taking again into consideration Mr. Pitt's representation in behalf of Mr. Purry praying for a Grant of 48000 Acres of Land in South Carolina mentioned in the Minutes of the 25th Inst. gave directions for preparing the Draft of a Report thereon

16 May 1732

Their Lordships then took into consideration and read the Act passed in South Carolina in 1731 for remission of Arrears of Quit Rents and for Registering of Patents Grants or Memorials of Patents and Grants and Memorials of Title deeds for the better ascertaining and regulating the payment of His Majesty's Quit Rents for the future and for the supplying the Defect of those Patents and Grants where any Lands have been taken out &c and for suspending the Act for calling in and sinking the paper Bills and for appropriating the Money &c and made a progress therein

18 May 1732

Their Lordships taking again into consideration the Act passed in South Carolina in 1731 for Remission of the arrears of Quit Rents &c read the 16th inst. made a progress therein

19 May 1732

Their Lordships taking again to consideration the Act passed in South Carolina in 1731 for Remission of the arrears of Quit Rents &c gave Directions that the same should be sent to Mr. Scrope for the Observation of the Lords of the Treasury

15 June 1732

The Report with the Draft of an Instruction to the Governor of South Carolina relating to a grant of Land to be made to Mr. Juxx for the settlement of Swiss protestants in this province ordered to be prepared the 13th inst. was agreed

16 June 1732

The Report relating to the settlement of Swiss protestants agreed to yesterday was signed

Their Lordships then gave directions for preparing the draft of a Letter to the Duke of Newcastle to desire he will move the Queen for orders to be sent to the Governors of North and South Carolina to use all possible precautions to prevent an Indian War as apprehended by Capⁿ Bawington in

85

Rec In his aforementioned Letter. Directions were also given for preparing the Drafts of Letters to Col. Johnson and Captⁿ Burrington for the same purpose As also another Draft of a Letter to Captⁿ Buxton for a distinct explanation of that part of his Letter of the 4th of September last which relates to a Gentleman in Hannover Square

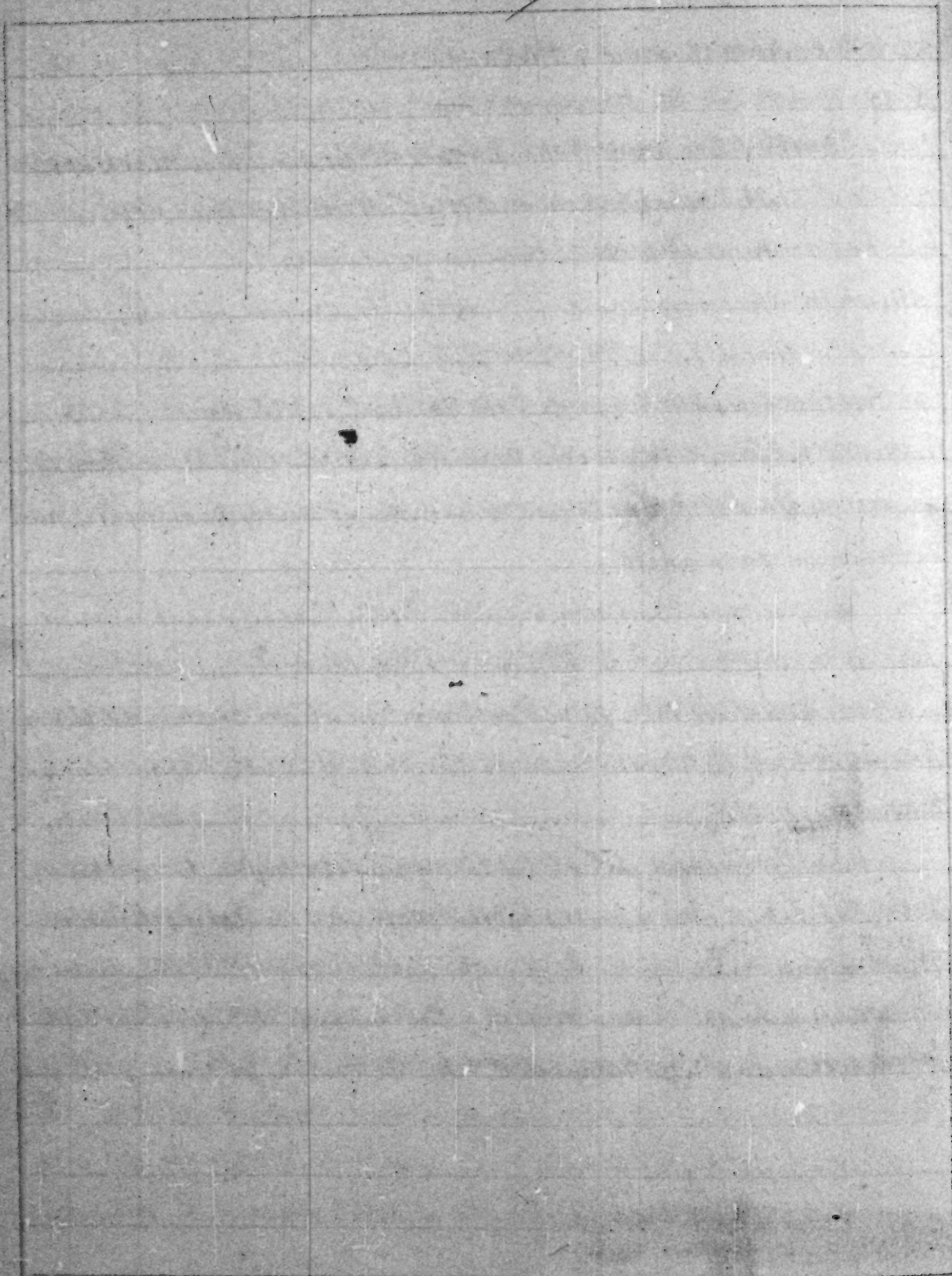
25 October 1732

Their Lordships taking into Consideration the Act passed in South Carolina in 1731. for Remission of Arrears of Quit Rents gave Directions for preparing the Draft of a Representation for repealing the same (signed 1 Nov)

6 December 1732

Their Lordships then gave Directions that M^r Abercromby Attorney General of South Carolina should be desired to attend the Board on Wednesday next

M^r Attorney and M^r Solicitor General's Report upon Quizzes relating to the Validity of Laws passed by the Proprietors Authority in Carolina before and after notice of the purchase by the Crown was read and directions were given for sending attested copies thereof to Colonel Johnson and Capt. Burrington



B. P. R. O. South Carolina B. 2 vol 5

Q 14

rec^d 14 Jan 1732

To the Right Hon^{ble} the Lords Com^{rs} for Trade and Plantations
The Humble Memorial of several Merchants and others
trading to South Carolina in America

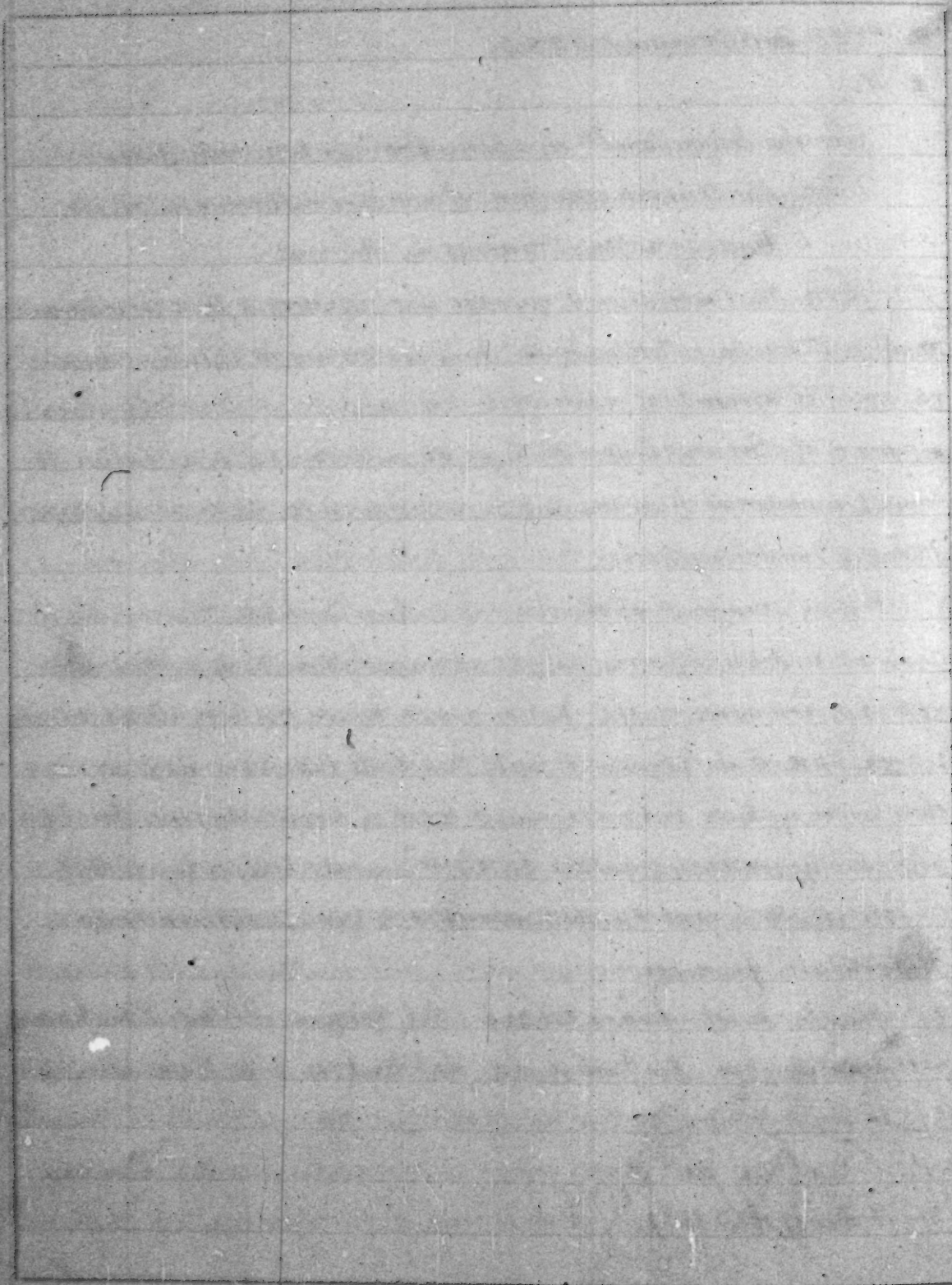
Sheweth That more than a year ago your petitioners by order of Reference from your Lordships attended M^r Dane and conceived that Gentleman of the absolute necessity of restoring the Summons Act in South Carolina by reason of the Great number of Negro Slaves in that Province and the small number of planters and those dispersed in the country at a great distance one from another.

Your Memorialists therefore entreat Your Lordships that the Law process in South Carolina may be as it was before the year 1726 to the end that commerce may be put on a more equal foot between the British Merchant and the planter of South Carolina than it is at present and that we may have some reasonable hopes of recovering debts fairly and justly contracted, which by the Capias Act cannot be effected.

All which is most humbly submitted to your Lordships known Wisdom and prudence.

Thomas Smith James Kinloch Pat. Yeaman D^d Godin Jno Jordan
John Hewlett Ric^d Shubrick In^o Watkinson Jno Payne John Gowan

Rec^d 14 Jan } 1732
Read 16 Febr }



B. P. R. O. South Carolina B 3 Vol 5

D. 19

Governor Johnsons answers to Queries relating to the trade of South
Carolina and duties paid there referred to in his letter of 14 Nov. 1731
Answer to Your Lordships Queries of the 16th of June 1731

South Carolina has but very mean Stocks of Sheep so that they are sup-
plied with all their Woollen Goods from Great Britain except some small
quantity of Coarse Cloth made there with which they clothe their Negroes
composed of Wool and Cotton (which grows in the Country) mixt but as we
compute upwards of 20,000 Negroes in the Province we do not suppose
1000 of y^m are thus clothed, but by the Coarse Cloths from England.

Here are very great Stocks of Cattle so that they make their own Candles
and Soap and ship off some Beef in barrels and some pork to the Sugar
Islands, and some of the Hides tanned here, for which they have in
return Rum Sugar and Molasses. they make also some Shoes for their
own Consumption, but not in any proportion to what they use their linen
they have all intirely from Europe A small quantity of Silk is made here
the most of which is sent home raw and would be of great advantage to
Great Britain if duly encouraged as well as to the province but for want
of people that commodity is not capable of being augmented Potatoes may
well be made here if a Bounty were given and the Great Duty taken off
It is thought Hemp and Flax would grow well here if the Fresh Rivers
were well settled with people which at present they are not. Rye and
Hoghead staves Hoops and most sorts of Lumber are here as good
as

as in most parts of America. Rice is at present the staple but by reason of the great quantity made and the confined market it is apparent by the enclosed account must rather be lessened than augmented or the planter will be ruined by his Industry. Pitch Tar and Turpentine has been made here in greater abundance than all the rest of the Northern Colonys together and the Naval Officers quarterly Acco^{ts} I sent your Lordships shews the quantity shipped last year. The duty by an Act past in the late Governor Nicholson's time are as followeth viz^t

On Negroes above ten Years Old $28^s 7^d$ ^a per head

Do under ten Years $14^s 3^d$

On do per head for finishing a } $\frac{1}{2} - 10^s$
State House in Charles Town

On all goods imported from Great }
Britain for maintaining a Watch } 6^s per c^t on the English
in Charles Town } prime Cost

The foregoing are all the duty I can learn do in in anywise concern the trade of Great Britain. It is to be noted that His Majesty has given leave to appropriate for Seven Years to come the Duty on Negroes, which is accordingly done by the Act for ascertaining His Majesty's Quit Rents, and for any other duty laid on Goods and Merchandizes from the plantations, as I humbly conceive they do in no wise affect or concern the Trade or Navigation of Great Britain. herewith your Lordships have a Schedule of all the duty in General. The duty on Negroes and Liquors was past in the late Gen^l Nicholson's time

Rec^d 1st 26 Jan^y 1731²
hmi. and is in your Lordships Office, and now by the forementioned
act continued in force for Seven Years from the date of ratification
thereof

Rec^d 26 Jan^y 1731²
Read 16 Feb^y 1731²

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B. P. R. O. South Carolina B 2 Vol 5

D. 20

Rec^d 26 Jan 1732

Port of Charles Town Export In 1731 of Rice pitch Tar Turpentine
an Number of Negroes Imported, (referred to in Green^r letter of 14 Nov 1731)

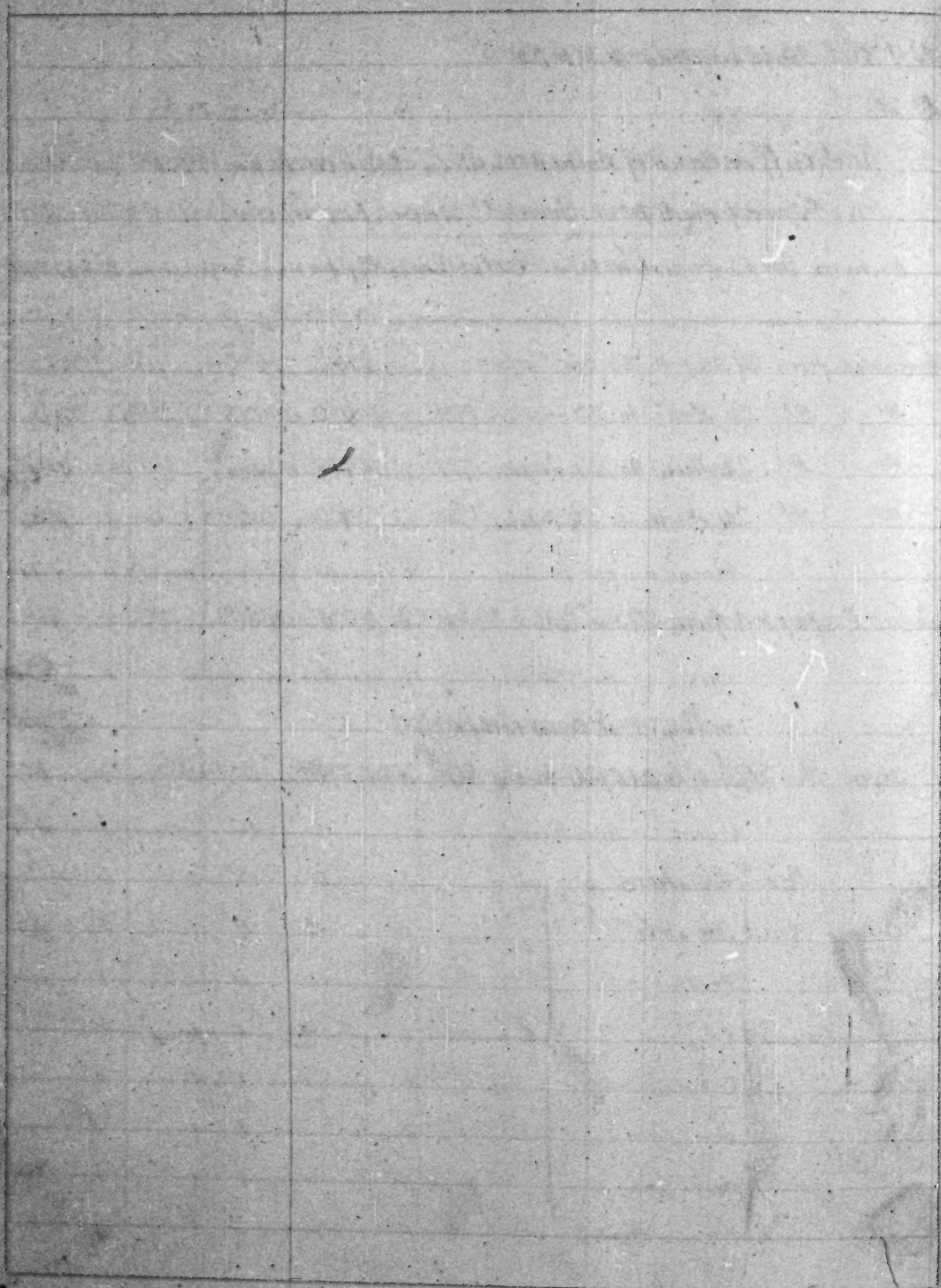
Charles Town Naval Office

	Barrels Rice	Barrels Pitch	Barrels Tar	Barrels Turpentine
Exported from 29 Sept to 25 Dec ^r 1730	5180	3609	490	343
D ^o D ^o 25 Dec ^r to 25 March 1731	21860	3978	344	1153
D ^o D ^o 25 Mar to 24 June 1731	18449	7414	930	418
D ^o D ^o 24 June to 29 Sept 1731	2825	1541	131	795
Total Exported from 29 Sep ^r 1730 to 29 Sept 1731	48314	16602	1895	2709

Negro Slaves Imported

from the 29th of Sept 1730 to the 29th Sept 1731 — 1533 —

Rec^d 26 Jan^y } 1731²
Read 16 Feb^y }



B P R O South Carolina B 3 Vol 5

Q 21

rec^d 26 Jan 1732

Tariff or Rates of Import paid in South Carolina 1721

(referred to in Govern^rs Letter of 14 Nov 1731)

Duty on Goods Imported by an Act of Assembly past in So Carolina 21 Sept 1721

		Carolina Currency			Reduced to its value in Sterling at the Ex ^{ch} seven for one		
		£	s	d	£	s	d
	Madera Wine per pipe	6	0	0 about	0	17	1 ³ / ₄
	Ryal Wine per pipe	15	0	0	2	2	10 ³ / ₄
	Vinegar per Gallon	0	0	2	0	0	0 ¹ / ₂
	Rum d ^o	0	0	4	0	0	0 ¹ / ₂
	Beer per Barrel	0	10	0	0	1	6 ¹ / ₄
	Brandy, Rosa Solus & other						
	Spirits, Rum excepted & Salt	0	2	0	0	0	3 ¹ / ₂
	Cyder per Barrel	0	10	0	0	1	5 ¹ / ₄
	Refined Sugar } lb	0	0	3	0	0	1 ¹ / ₂
	Tobacco	0	15	0	0	2	1 ¹ / ₄
	Butter	0	10	0	0	1	5 ¹ / ₄
From the plantations	Cheese	0	5	0	0	0	8 ¹ / ₂
	Candles	0	10	0	0	1	5 ¹ / ₄
	Tallow	0	7	6	0	1	7 ¹ / ₂
	Salt fish	0	5	0	0	0	5 ¹ / ₂
	Brown Bisket	0	1	3	0	0	2
							White

		Carolina Currency			Reduced to its value in Sterling as the basis of 4 for 1		
		£	s	d	£	s	d
From the	White Bisket	0	2	6	0	0	4 1/4
Plantations	Hams & Bacon } £ hundred	0	10	0	0	1	5 1/4
	Soap	0	10	0	0	1	5 1/4
	Molasses per Gallon	0	0	3	0	0	1/2
	Syrup de	0	0	4	0	0	1/2
	Muscovado Sugar £ hundred	0	2	6	0	0	4 1/4
	White Clayed do do	0	5	0	0	0	8 1/2
	Cocoa do	0	15	0	0	2	1/4
	Chocolate made up £ pound	0	0	7 1/2	0	0	1
	Pickled Pork	0	10	0	0	1	5 1/4
	Pork £ Barrell	1	10	0	0	4	3/4
From the	Beef do	0	10	0	0	1	5 1/4
Plantations	Cranberries do	0	10	0	0	1	5 1/4
	Blubber do	0	5	0	0	0	8 1/2
	Flower do	0	2	6	0	0	4 1/4
	Tallow do	0	7	6	0	1	3/4
	Timber plank, Boards, Sacks, Shingles & other Lumber						
	from the plant ^{ns} 15 ft. on the prime Cost.	2	2	10 1/2			Staffel
	Horse or Mares head under 15 H ^{ds}	5	0	0	0	14	3 1/2
	Negros above 10 years age	10	0	0	1	8	7
	do under 10 years	5	0	0	0	14	3 1/2
	Indians	20	0	0	2	17	2
	Deer skins £ skin	0	0	6	0	0	3/4
							pitch

		Carolina Currency			Reduced to its value in Silver at the rate of Seven for one		
		£	s	d	£	s	d
From the Plantations	Tutok and Oak & Barrel	0	10	0	0	1	5½
	Regios & head towards freightage of State House in Charles Town	1	0	0	0	2	10½
	Scraped Ginger & cut	0	10	0	0	1	5½
	Scalded do do	0	2	6	0	0	11½
	Hoes per pound	0	0	6	0	0	¾
	Sound Cotton	0	10	0	0	1	5½
	Cotton in the Stone	0	2	6	0	0	4½
	Stuffed Surgeon & baggy	0	2	6	0	0	4½
	do Salmon do	0	2	6	0	0	4½
	Preserves Sweetmeats & fth	0	0	3	0	0	¾
	Thermacis per pound	0	2	6	0	0	4½
	Thermacis Oyl & Salt	0	5	0	0	0	8½
	Bees Wax & hundred	0	10	0	0	1	5½
	Myrtle Wax & (pound say) hundred	0	7	6	0	1	¾
	Indian peas & Corn & Bush	0	1	0	0	0	1¾
	Indigo & pound	0	1	0	0	0	1¾
	Onions & Bush	0	5	0	0	0	8½
	Apples do	0	2	6	0	0	4½
	Whale Bone & pound	0	1	0	0	0	1¾
Horden Ware Bowls Platters & Ship							
Chandry Ware 5 fth on the prime Cost							
Goods of the Manufactory of S ^t							
Britain 2½ fth on the prime							
Cost towards maintaining the							
Watch House in Charles Town					which amounts to about ¼ fth per C ^t		

Goods Exported	Carolina Currency			Reduced to its value in Silver at the Exchange 7 for 1.		
	£.	s.	d.	£.	s.	d.
Tanned Seathes p pound	0	0	1			
Traw Seathes per side	0	2	6	0	0	4 $\frac{1}{4}$
Tanned Calicoe Deer Skin p skin	0	1	0	0	0	13 $\frac{1}{4}$
Raw Hides p hide	0	5	0	0	0	8 $\frac{1}{2}$
Every Deer Skin above 1 lb p skin	0	0	6	0	0	3 $\frac{1}{4}$
do under 1 lb per skin	0	0	3	0	0	1 $\frac{1}{2}$
Raw Deer Skins p skin	0	0	3	0	0	1 $\frac{1}{2}$

Drawbacks

Is the $\frac{3}{11}$ part of the Importation if exported within 6 months

Rec^d 26 Jan^y }
 Rec^d 16 Feb^y } 1731 $\frac{1}{2}$

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B. P. R. O. South Carolina B. D. vol 5

D 29

At the Court at S^t James the 27th day of January 1732

Present

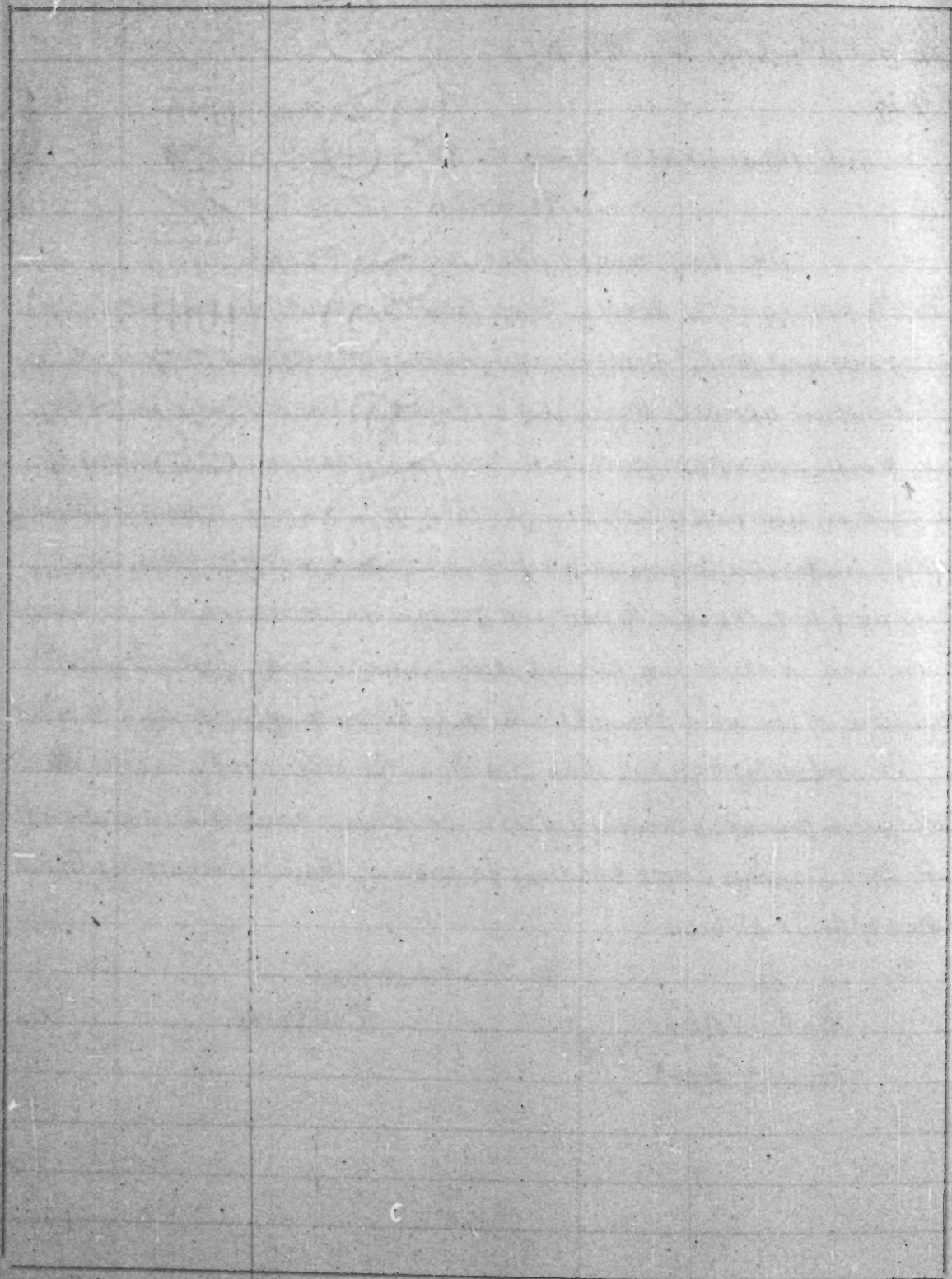
The King's most Excellent Majesty in Council

Upon reading at the Board a Report from the Lords of the Committee of His Majesty's most Hon^{ble} privy Council for plantation Affairs dated the 19th of this Instant upon the Draught of a Charter for Establishing a new Colony in His Majesty's province of South Carolina by the name of the Colony of Georgia in America which Draught the said Lords of the Committee humbly offered to His Majesty as proper for his Royal approbation His Majesty this day took the said Report and draught of a Charter into his consideration and is thereupon pleased with the advice of His privy Council to approve of the said draught (which is herunto annexed) and to order as it is hereby Ordered that His Grace the Duke of Newcastle His Majesty's principal Secretary of State do cause a Warrant to be prepared for His Majesty's Royal Signature for passing the same under the Great Seal of Great Britain

A true Copy

M. Sharpe

Rec^d 15 Aug 1732
Read 7 Sept



B. P. R. O. South Carolina B. 3. Vol 5

Q16

14 February 1732

To Mr. H. H. H. Esq.

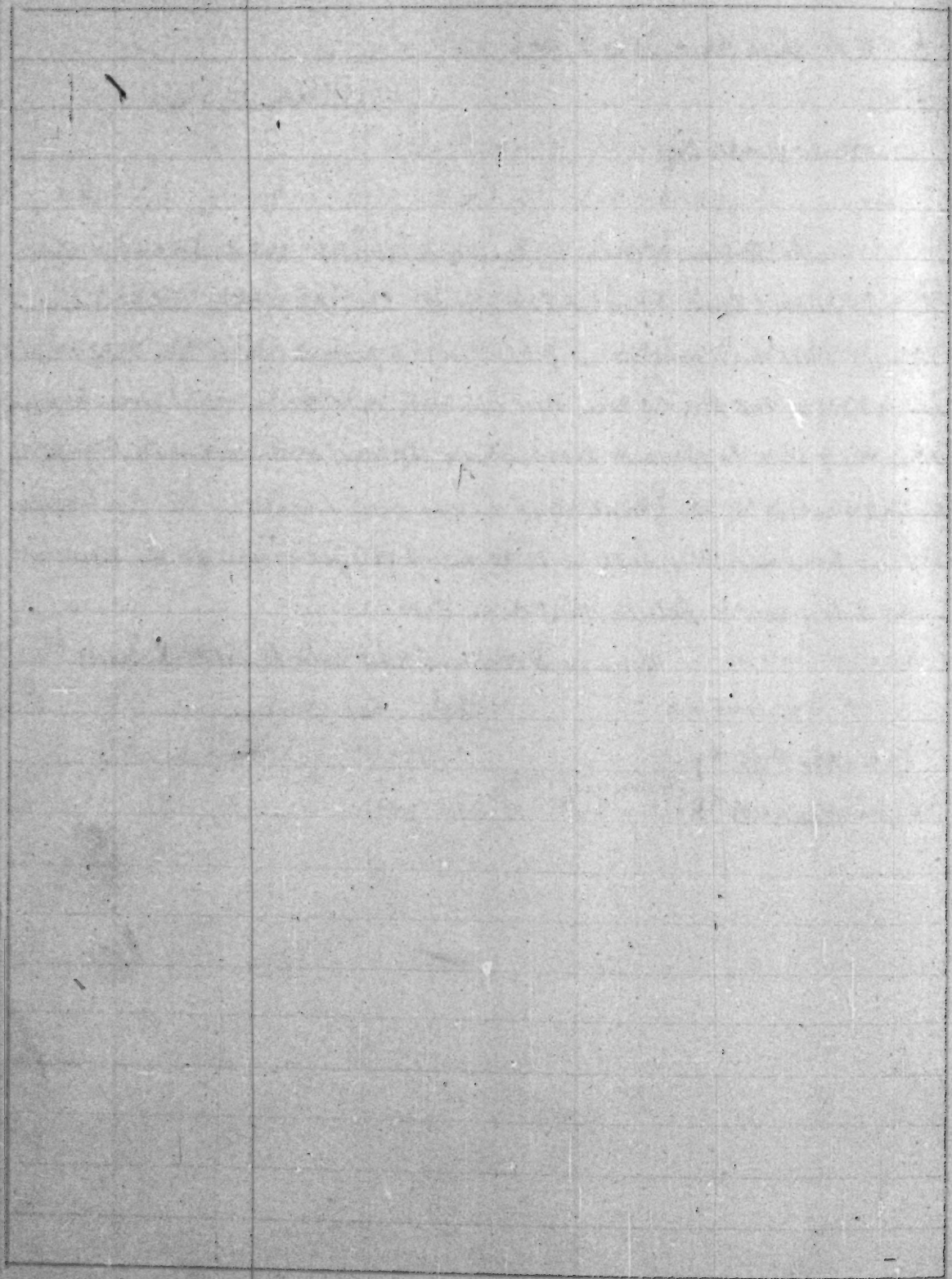
Sir

The Governor of Carolina having acquainted My Lord Carteret that he has passed some Laws and opened the Land office there which are things that may concern My Lord in his property there. He has directed me to desire the favor of you. that you will move the Lords of Trade desiring that they will be pleased to order him copies of such Acts or other papers as may relate to the granting of Lands and remitting the Quit Rents of that province. My Lord will be much obliged to you for the favour And I beg you to believe that I am Sir

Your most obedient and most humble Servant

John. And. Balaguier

Rec^d 14th }
Read 15th } February 1732



B. P. R. O. A + N. S. Vol. 621.

(3 Mar. 173½)

May it please your Grace

I presume to take the Liberty to certify to your Grace, That Mr Joseph Fox was Master in Chancery in this Province, from the year 1728 till superseded by your Grace's Comission to Mr Theophilus Gregory; And that he always behaved well in the said office, And is Every way Qualified & deserv'g of your Graces favour

I am

your Graces

Charles Town

Most Obedient & Most humble

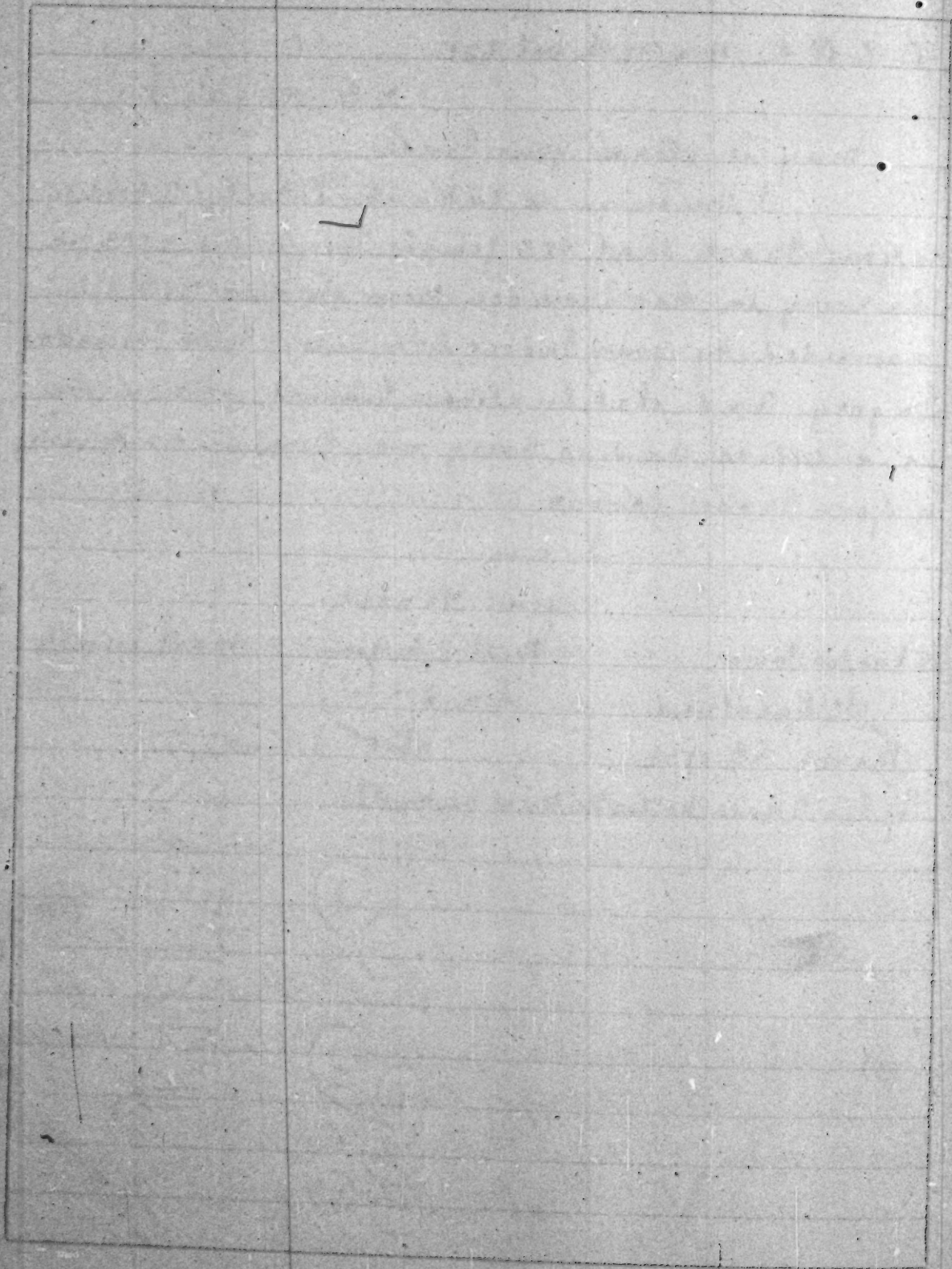
S^c Carolina.

Serv^t

March 3^d 173½.

Robt Johnson.

To his Grace Holles Duke of Newcastle.



D P R O South Carolina D T. Vol 6. E 11

(6th March 1732)

To the R^t Hon^{ble} the Lords Commissioners
of Trade and Plantations

My Lords

In Obedience to Your Lordships commands
Signified to me by M^r Poples Letter I have consider-
ed the Eleven following Acts Passed in South Carolina
in Aug^t 1731.

An Act to Repeale an Act for Appointing
a Chappell at Echaw in the Parish of S^t James
Santee in Craven County And for Erecting two other
Chappells in the Said Parish
And that the Rector of the Said Parish do Preach
in the English Tongue.

An Act for Appointing Jury

An Act for the Remission of the
Arrears of Dut rents &c.

An Act for Raising the Sume of 27905.
for Defraying the Charges of the Government commenc-
ing the 25th March 1731, And ending the 25th March 1732

An Act for calling in Reprinting and
Exchanging the paper Bills of Credit

An Act for Appointing an Agent to
Solicit

Solicit the Affairs of the Province in Great Brittain

An Act for Establishing Five Ferries

One over Wingaw River

Two over Santee River

One over Sampul Creek &

One over Cooper River

An Act for the better Regulating of the Indian Trade and for Appointing a Commissioner for that purpose

An Act to Revive and continue the Several Acts therein mentioned

An Act for obliging Persons living in the Countys and precincts to serve as Jurymen in Charles Towne And for Repealing a Clause in An Act Intituled an Act for Settling the Titles of the Inhabitants &c And for Limitations of Actions And for Avoiding Suits in Law

An Act for Appropriating the Sum of one Hundred and Four thousand Seven hundred & Seventy five pounds One Shilling & three pence farthing, towards payment of the Publick Debt.

To all which I have no Objection in Point of Law

I am, My Lords,

Your Lordships most Obedt

humble Servant

John Lane

Recd March 5th 1731/2

Recd Janry 19th 1733/4

100
B. P. R. O. South Carolina (B.T.) Vol. 26. p. 28.

Whitchall

March 4th 1731/2

To the King's most Excellent Majesty
May it please Your Majesty.

An Act was passed in 40th Majesty's Province of South Carolina in March 1726, Entituled, An Act, for 4th better settling of 4th Courts of Justice.

By this Act, the first Process in civil Actions, was altered from a summons to a Capias against which several Objections were made to us, by Mr. Lowndes, Provost Marshal & Clerk of the Peace & Crown in South Carolina, with Respect to 4th Difficulty & Danger that would attend the Execution of the said Capias; And 4th Merchant of London trading to that Province, did likewise Represent this Manner of Process, to be liable to many Inconveniencies, both from the Method of Proceeding, & 4th Expence that would attend it.

Whereupon We did by Our Lett^r of 4th 22 of Apr^l 1731, acquaint Coll. Johnson 40th Majesty's Gov^r of North Carolina, with Our Objections to 4th said Act, and recommended It to him to propose the passing another Law to 2^d Assembly, wch might
in-

institute the Summons instead of the Capias, and re-enact those parts of the above-mentioned Law of 1726 to which we had no Objection.

But Colonel Johnson having acquainted us by his Letter of the 13th of August last, that he is afraid the People of South Carolina, will never again consent to pass a Law for Instituting the Summons and fresh Application having been made to us by 4th Merchants of London, humbly desiring, that 4th Law Process in South Carolina may be as it was before 4th Year 1726, by which means Commerce will be put upon a more equal footing, than it is at present between 4th British Merchants and 4th Planters of that Province,

We therefore humbly lay the s^d Act before 4th Majesty, for your Disallowance; upon which the Process by Summons will again be revived in S^c Carolina by virtue of an Act of that Province passed in 1720, Entituled An Act for the Amendment of the Law.

Which is most humbly submitted,
Westmoreland, P. Doerninque.
J. Pelham, Or. Bridgeman.
Ed.

B. P. R. O. South Carolina B. 3 vol 5

Q. 26

At the Council Chamber Whitehall 9 Mar. 1732

By a Committee of the Lords of His Majesty's most hon^{ble} privy Council

There being this day read to their Lordships the humble representation of John Wat on the behalf of M^r John Peter Furry and such Swiss protestant Families as design to settle in South Carolina praying that a Grant may be made to the said Furry of 48000 Acres of Land in that Province sub. to the usual Quit Rents after the first ten years for the better enabling him to carry on his design of settling six hundred Swiss Families and that the said Land may be laid out contiguous to the Township called Furryplourge on the great Yamasee Bluffe on the Savanna River It is ordered by their Lordships that the said Representation together with a draught of Instructions prepared by the Lords Comm^{rs} for Trade and plantations for the Governor of South Carolina to Grant Twelve thousand Acres of Land to the said Furry & and they are hereby referred to the said Lords Comm^{rs} for Trade and plantations to consider thereof and report to this Committee whether conceive it advisable for His Majesty to grant the petitioners request

Jas. Vernon

(Inclosure)

(Inclosure)

To the Right Hon^{ble} the Lord President of His Majesty most
Hon^{ble} Privy Council

The humble Representation of John Vat on the behalf of M^r
John Peter Hurry and such Swiss protestant Families as design
to settle in South Carolina

My Lord

It appears that on the 23rd of July 1730 the Right Hon^{ble} the
Lords Comm^{rs} for Trade and plantations represented to His Majesty in
that during His Royal Fathers reign M^r Jean Pierre Hurry was recom-
mended by His Majestys Ministers at Paris as a person well qualified
to make a settlement of Swiss protestants in South Carolina

And in 1725 that Board recommended his design to the Lords
proprietors of Carolina who granted him forty eight thousand Acres
of land to enable him to carry on the design

That since His Majestys purchasing the said province the said
Hurry hath made application for 12000 Acres of land clear of Quit
Rents which they were of opinion may be for his Majestys service to
comply with.

M^r Hurry depending upon the representation of the Board of
Trade and satisfied that 12000 Acres of Land clear of Quit Rent was
to be granted to him set out with several other Swiss for South Car-
olina and went through the danger and expence of that Voyage He
arrived there in 1730 and marked out a situation for a Town on the
North

North Side of Savannah River The Governor Council and Assembly being sensible of the necessity there is for a settlement of White Men on their Southern Frontier granted £400 Sterd towards transporting of Swiss protestants and a further sum of money towards Tools and Utensils ^{1^{ea}} which provision tho' very considerable with respect to the low condition of that province yet in effect falls vastly short of the great charges necessarily attending such a settlement. Since the very passage of Six hundred persons from England to Carolina amounts to Two thousand four hundred pounds Sterling

To raise the sum necessary he applied to several Gentlemen in London who promised to lend him Money on 12000 Acres clear of Quit Rents But finding that the lands intended as a reward for all his trouble labour and expence was subject to the usual Quit Rents he could not prevail with them to advance the money notwithstanding which he is gone into Switzerland to prepare things for that design Which nevertheless will be rendered abortive unless His Majesty shall be graciously pleased to grant him 48000 Acres Subject to Quit Rents in Lieu of the 12000 Acres clear of Quit Rents. He thinks he is more justified in this proposal since the Grant of 12000 Acres clear of Quit Rents was in lieu of 48000 Acres formerly granted him by the Lords Proprietors for that purpose And without that quantity of Land he hath no hopes of raising a sum of Money sufficient to carry on this undertaking And as he as well as several other Swiss protestant Families are in daily expectation of being certified of the success of such a Grant

He humbly hopes Your Lordship will vouchsafe to represent this undertaking to the King in such manner that His Majesty may be most graciously pleased

pleased to grant to the said Mr John Peter Furry forty eight thousand Acres of
land Subject to the usual Quit Rents reserved upon all Lands granted by the Crown
in that Province after the expiration of the first Ten years from the date of this
Grant to the said Township called Furrysburg on the great Yamasee Bluffe on
the Savanna River in South Carolina And I crave leave to subscribe myself

My Lord

Your Lordships most obedient
and most humble Servant

John Wat

London

March 7th 1731

(Inclosure)

Additional Instructions to our Trusty and Well beloved
Robert Johnson Esq Our Capt^l Gen^l and Governor in Chief
in and over Our Province of South Carolina in America
or to the Commander in Chief of our said Province for the
time being Given at our Court at the day of

Whereas the Sieur Jean Pierre Furry of Neuchâtel in Switzerland was in
the year 1725 recommended by our Comm^{rs} for Trade and Plantations to
the late Lords Proprietors of Carolina as a person well qualified for the
making a Settlement of Swiss Protestants in that Province And whereas the several
Grants of Land amounting to forty eight thousand Acres made to him by the
said late Lords Proprietors upon that recommendation being now become
void because certain conditions contained therein to be performed by the
said Lords Proprietors were never complied with The said Furry has lately
renewed his application to Our said Comm^{rs} for Trade and proposed to
settle

settle Six hundred Swiss protestants in Carolina including Women and Children at their own expence within the space of Six Years to commence from Christmas next upon condition that they be received treated there and entitled to the same privileges as our own subjects and provided We do grant to the said Hurry and his Heirs in consideration of his trouble Labor and expence Twelve thousand Acres of Land in that Province free from Quit Rent

Now having considered the said Hurry proposal together with the opinion of our Comm^{rs} for Trade and plantations thereupon we are graciously pleased to agree thereto upon the following conditions: First that the said Swiss or at least so many of them as are of a competent age for that purpose do take the usual Oaths of Allegiance to us upon their arrival in Carolina respectively that after they shall have taken the said oaths you do grant them Lands and settle them in such place and in such manner as you shall judge most conducive to the Interest and security of the said Province

But you are to take notice that the said Hurry is not entitled to the Twelve thousand Acres of Land by him demanded for himself and his heirs until it shall appear to you by Certificates from one or more Officers of our Customs in that Province that the said Hurry hath Imported or caused to be imported into South Carolina according to His proposal Six hundred Swiss protestants including Women and Children within the Term of Six Years to commence from Christmas day next

Upon which certificates you are hereby empowered to grant unto the said Hurry and his Heirs for ever Twelve thousand Acres of Land subject to the Quit Rent reserved by Your Instructions after the expiration of the
first

first ten years from the date of His Grant

Rec^d 12 March } 1732
Read 20 April }

B.P.R.O. A + M.S. Vol. 19. p. 126

Charles Town 27th March 1782.

My Lord

I send inclosed to your Grace the Memorial of Our Chief Justice, relating to one Alex^r Mc Gormick; as his case is fully explained in the said Memorial. I shall not trouble your Grace any further, but to acquaint you that I have with the advice of His Majestys pleasure be known, which I hope thro' your Graces means to have signified to me

I am with great respect

My Lord

your Graces most Obedient
and most humble Servant

Duke of Newcastle

Robt Johnson.

(Inclosure.)

A. M. S. Vol. 17 p. 13. (Inclosure to Gov^r Johnson's letter 27 Mar 1732)

To his Excellency Robert Johnson Esq^r Governor
and Commander in Chief In and over His Ma-
jesty's Province of South Carolina.

The Memorial of Robert Wright Esq^r Chief
justice of the said Province.

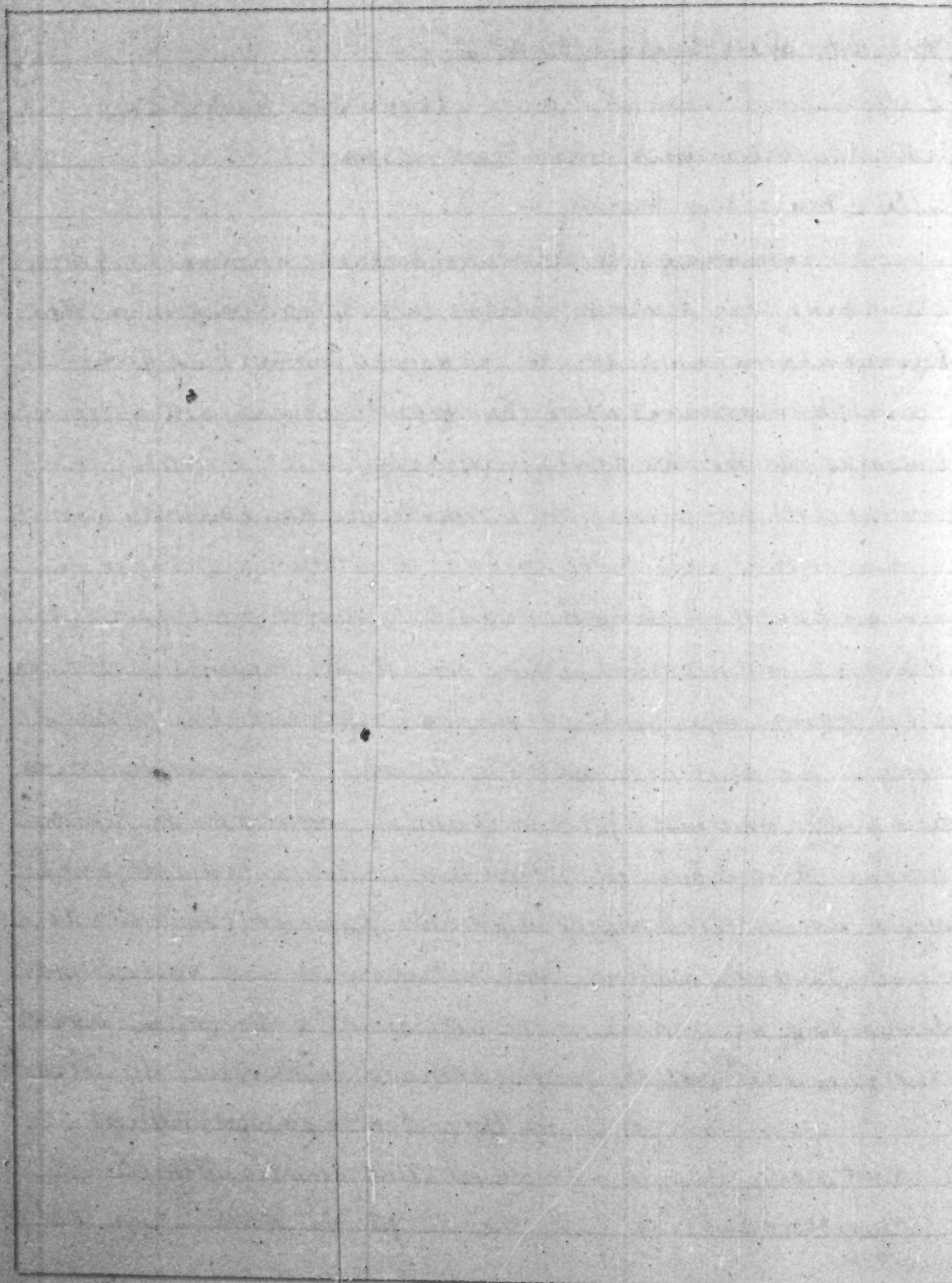
Sheweth,

That Alexander Mc Cormick was charged with
and committed to His Maj^{ty} Goal in Charles Town
for the Murder of Matthew Johnson in the Indian country
in December in the year of Our Lord One Thousand
Seven hundred and Twenty Eight, by shooting him
the said Johnson with a Pistol, whereof he was indicted,
and by the Testimony of one Witness was found Guilty
the Twenty eighth day of October 1731, & being so found
Guilty was condemn'd thereupon the Prisoner alledged in his
behalf that he was assaulted by the Deceased with a knife
and that he catch'd up the Pistol in his defence not know-
ing it was charg'd and did not intend to kill the
deceased for which he was very much concern'd, that
his Witnesses who attended for several Sessions to
Testify the same were now gone off the country and
there being no Prosecution against him for near Three
years, by Law he ought to have been discharged out of
Prison

Prison that he had been a great sufferer by so long an Imprisonment having spent his substance and lost his Business, and begt he might be recommended to His Majesty's Mercy.

It appearing to the Court that he had Witnesses attending for several Sessions when there was no Prosecution and for the reasons above Given he is humbly recommended to Your Ex^{ty} as an Object worthy of His Majesty's Mercy

Robert Wright C. J.



111
B. P. R. O. South Carolina B. I. vol 5

Q39

Charles Town 6 April 1732

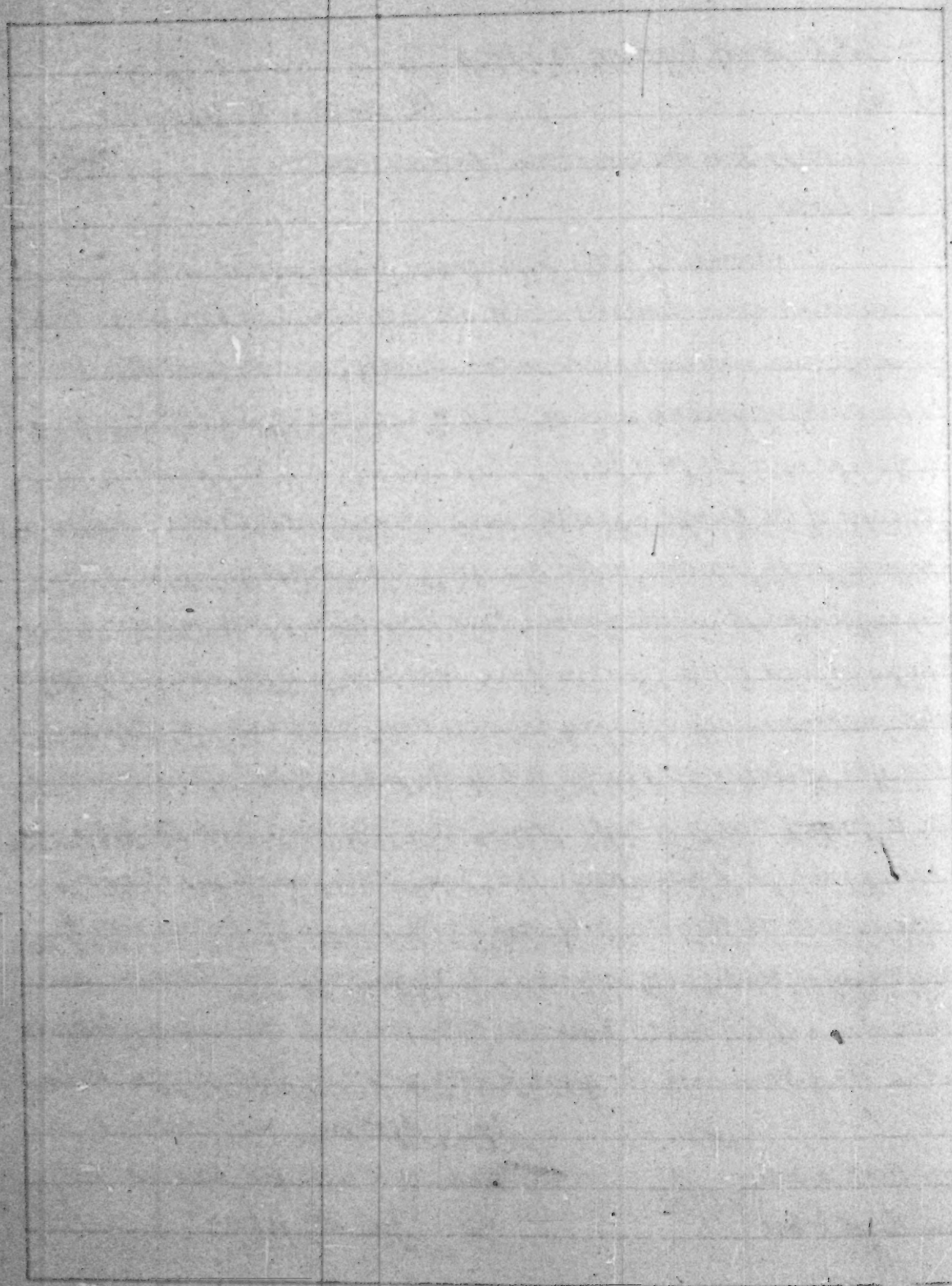
To the Right Hon. The Lords Comm^{rs} for Trade & Plan^{ts}

My Lords

According to the Instructions I have received it is my duty to acquaint your Lordships with all such affairs as happen in this Province and materially concern His Majesty's Interests his Rights or Revenue The observations which I now take the liberty to lay before your Lordships and the other papers which accompany them contain an Account of the proceedings of the Governor Council and Assembly in South Carolina with relation to the Granting his Majesty's Lands in that Province and the methods that have been either to remit or secure his Majesty's Quit Rents As there have some things happened in the course of these proceedings of a very peculiar and extraordinary nature I thought it Incumbent on me to lay the whole before your Lordships in a formal and just light and if any may occur from the representations which I have made that may contribute to his Majesty's service I shall think myself sufficiently happy for it shall ever be my chiefest study and endeavour, to Demonstrate and convince your Lordships of my steady Zeal and Attachment to His Majesty's Interests And thus I am with the greatest attention and respect. My Lords

Your Lordships most obedient
and most humble Servant
Ja: S^r John

Rec^d 5 July } 1732
Read 6 Dec }



B. P. R. C. South Carolina (B.T.) Vol. 26. p. 31.

Whitehall

May 19th 1732.

To In^o Scrope Esq.

Sir,

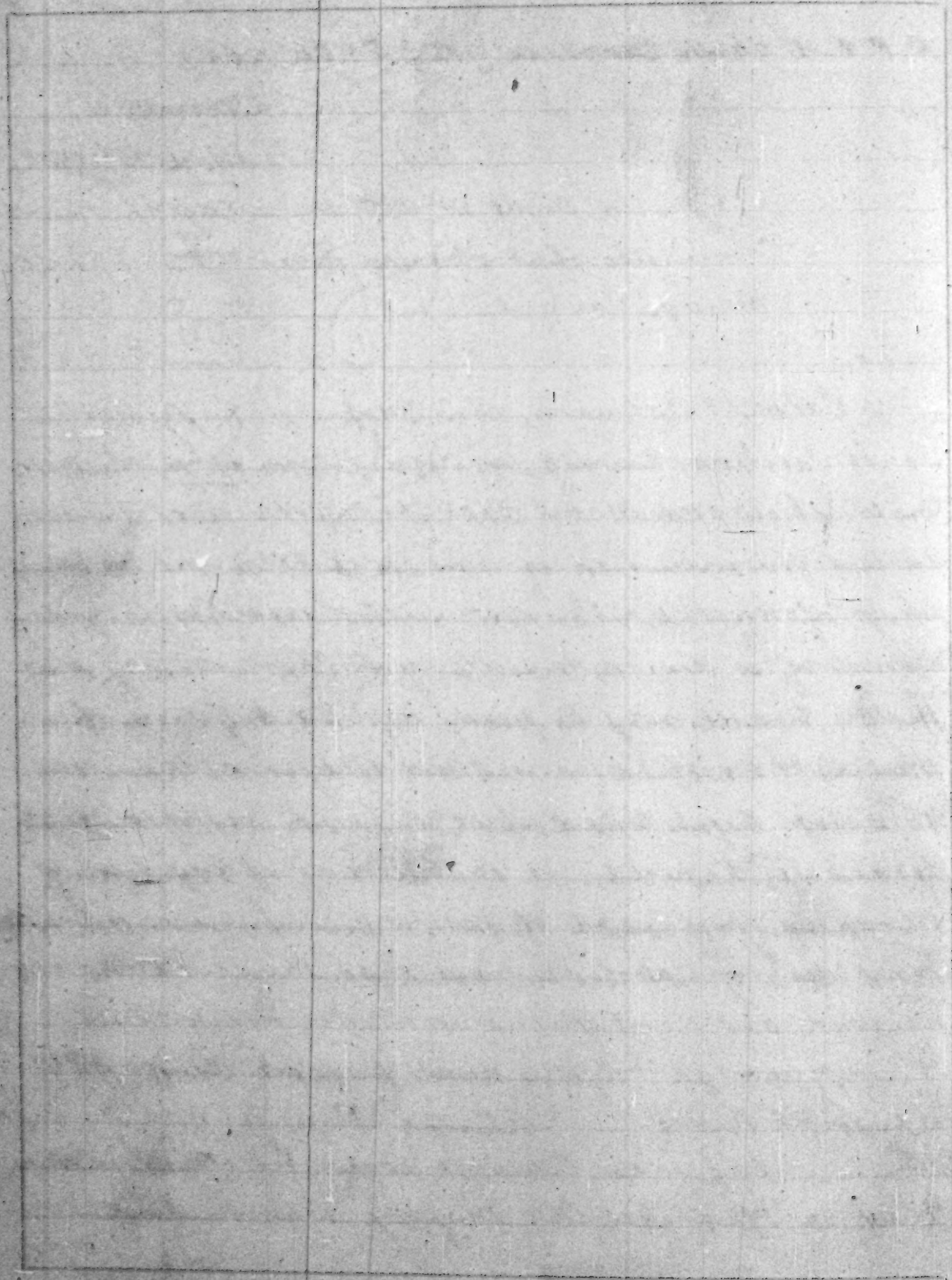
Col^o Johnson, His Majesty's Governor of South Carolina, having, in consequence of the inclosed Instruction, pass'd An Act in that Province, Entituled An Act for remission of Arrears of Lt Rentⁿ for Registering of Patents, Grants &c, which Act containing many Clauses of a very extraordinary nature, whereby His Ma^{ty}s Revenue may be greatly affected, My Lords Commission^{rs} have determin'd not to proceed upon the said Act, before the Lords Commissioners of His Majesty's Treasury, have had an opportunity of Examining the same, for which Reason I am Commanded to send you y^e sd Act inclosed, and am,

Yr

Your most humble servt
Alured Popple.

64

(Hunt^g 1732)
Presideⁿ
Aug^o 1731



B. P. R. U. South Carolina (N.T.) Vol. 26. p. 32.

Whitchall,

May 26th 1732.

To the Right Hon^{ble} the Lords of the
Committee of His Majesty's most Honourable
Privy Council.

My Lords,

Your Lordships were pleased by yo^r Order
of 4th 9th day of March last, to refer to the consider-
ation yo^r humble Representation of John Vat, in behalf
of M^r. John Peter Purry, & such Swiss Protestant
Families as design to settle in S^c Carolina, praying
that a Grant may be made to yo^r said Purry of -
48.000 Acres of Land in that Province, subject to
yo^r usual Quit Rents after yo^r first ten years of yo^r
Grant are expired, for yo^r better enabling him to
carry on his Design of settling Six Hundred Swiss
Families in Carolina, and that the said Land may
be laid out contiguous to the Township called -
Purryborough on the Great Yamasee Bluffs on yo^r
Savannah River

We take leave to acquaint Your Lordships
that in 1724 His late Majesty was pleased to
refer

refer to us a Memorial w^{ch} had been presented by
 Mons^r Purry to the English Ambassador at Paris, in
 relation to an intended Settlement of a Body of
 Swiss Protestants in South Carolina; Whereupon
 being of Opinion that such a settlement might be
 for the publick Good and It being His Majesty's
 Pleasure y^t some encouragement should be given to
 this undertaking. We recommended the s^d Purry to
 y^e then Lords Proprietors of Carolina, who came to
 an Agreement with Him for y^e Transportation of
 twelve Hundred Swiss to that Province by which
 They consented to allow y^e said Purry 48,000 Acres
 of Land and to furnish him with £.400^l. Sterling
 to defray y^e Expence of Transporting y^e said Swiss.
 But y^e Lords Proprietors having failed to ac-
 complish their Agreement this Design could not be
 executed at y^e Time.

Soon after y^e Purchase made by y^e Crown
 of y^e Province of Carolina Mons^r Purry again applyd
 himself to this Board by his Memorial of y^e 6th
 of July 1730, & offered to settle Six Hundred Swiss
 Protestants in Carolina, within y^e Term of Six -
 years, on Condition that his Majesty would be pleased
 to Grant him a Barony of Twelve Thousand Acres,
 free

free of Quit-Rents; and that his followers should likewise pay no L^t Rent for y^e Land they should occupy during a certain Number of Years.

Whereupon having consulted wth Col^l Johnson, His Majesty's Governor of South Carolina, and considering that y^e Quit-Rents upon 12,000 Acres of Land Amounted to no more than 18^l Sterling p^r Annum, We did, by Our Representation of y^e 23rd of July 1730, humbly Offer Our Opinion, that It might be for His Maj^{ty}'s Service, that Mons. Purrys Request should be comply'd wth, under certain Conditions mention'd in Our s^d Representation which having been afterwards considered and approved of by y^e Lordships, We were by Your Lordships Order of y^e 9th Sept^r 1730, required to prepare the Dra^{ft} of an Instru^{ct}ion for His Majesty's Governor of S^c Carolina agreeable thereto; which was accordingly done & Transmitted to y^e Lordships, but it having been afterwards thought proper not to ^(grant) any Land in Carolina, without a Reservation of L^t Rents to His Majesty, We were by another Order from y^e Lordships of y^e 23rd day of November last, required to alter y^e Instructions for the Governor of South Carolina, agreeable to y^e Direct^{ions}

Dispositions We had recd in that Respect from
Your Lordships at the Council Board.

In the mean time Mons^r Purry, depending
upon the Representation which We had made
to His Majesty, in July 1730, & being satisfied that
12,000 Acres of Land were to be granted to him, clear
of Quit-Rents. He with several other Persons of his
Nation, Embarked for South Carolina, where He man-
aged out a situation for a Town on the Northside of -
Savannah River, & the Legislature of that Province
were so sensible of y^e Utility of this intended settle-
ment, that They Voted y^e Sum of 400^l Ster. towards
defraying y^e Charge of Transporting Swiss Protest-
ants to Carolina, And a further Sum towards the
purchase of Tools & Utensils, to be Employ'd in their
Service.

But it is alledged by Mons^r Purry, that y^e
Charge of transporting six Hundred Persons from
England to Carolina, will alone amt to 2,400^l Ster.
To raise which Sum, He hath apply'd to several Gen-
tlemen in London, who promised to lend him Money
upon y^e Security of 12,000 Acres of Land free of
Quit Rents, but that Condition having been alter'd
during y^e S^r Purry's Absence at Carolina, this Design
must

must at last prove abortive, unless His Majesty will be graciously pleased to grant y^r. sd. Purry 48,000 Acres of Land subject to Quit Rents after y^r. first ten Years, in Lieu of 12,000, free of Rents, upon which he proposes to raise so much Money, as will enable him to bring the Settlement to perfection.

We have discoursed with Mr. Purry's Agent, & with the Agent of South Carolina upon this Occasion and we take leave to acquaint y^r. Lordships, that it has been the Constant Sense of Board, that all y^r. British Colonies and especially the two Frontiers, should be peopled as amply, & as soon as possible with white Inhabitants. This is a Point in which y^r. Interest of y^r. Crown & y^r. Publick are equally concerned; since an accession of new Inhabitants in y^r. Plantations cannot fail to increase the Trade & Commerce of this Kingdom, whilst it creates an Augmentation of His Majesty's Revenues in his Quit Rents, and wth Respect to South Carolina in particular, as it is Our Frontier to y^r. Spanish and French Settlements, and is surrounded by a great number of Indian Nations, the well Peopling of this Province seems to be a very necessary Measure for the Defence and Security of all Our Plantations on the Continent.

Contin^d of America.

In all probability one great Reason why South Carolina has not hitherto been peopled in the same proportion with other parts of the Inhab^d Dominions in America, has been that a considerable number of People have never before made an offer of settling together in one place, & this Province is now so sensible of y^e Advantage and Security it would derive from such a settlement that they have granted Mons^r. Purry 4000^L Str^g for bringing on Hundred Men to Carolina.

With Respect to y^e Extensive Grant that is desired by Mons^r. Purry of 48,000 Acres, instead of 12,000, We do not see that any Inconvenience can arise from thence, because he does not propose to retain so great a Quantity of Land for his Own Occupation, but intends to sell it to different persons, who will be obliged to settle and improve the same, as well to repay themselves as because they must be obliged to pay a 3^d Rent for it, after a certain time shall be elapsed: And we think the Exemption of 2^d Rents, for y^e first ten years to Mons^r. Purry, is an Indulgence that will be abundantly Outweighed by y^e Advantages that

that may arise to His Majesty and the Publick, from the Proposed Settlement. Especially when it is Considered that the Grant is not to take Place till the Swiss are actually brought over.

We are therefore of Opinion that it may be for His Mats^y Interest that this Petition in behalf of Mons^r Purry, should be comply'd with, under y^e Restrictions propos'd in y^e abovemention'd Rept of y^e 23^d July 1730. That is to say.

First that the said Swiss or so many of them as are of a competent Age, for that purpose, do, upon their arrival in Carolina, take the usual Oaths of Allegiance to His Majesty. Secondly, That after they shall have taken these Oaths, Lands shall be assign'd them, by His Majesty's Governor, where they shall dwell together in one or more Townships, in such Place and Manner as may be most for y^e Security of y^e sd Province.

And that the said Purry shall not be intitled to the Grant of 40000 Acres, till the Service undertaken by Him, shall have been fully perform'd, and that it shall appear to His Majesty's Governor in S^t Carolina by Certificates from one or more Officers of y^e Customs, that y^e S^t Purry hath caused to be imported into South Carolina, 600 Swiss Protestants

Protestants, including Men, Women & Children.

We are,

My Lords,

Your Lordshps. most Obedient &

most Humble Servants.

Westmoreland,

J. Pelham.

M. Bladen.

Mr. Bridgeman.

Ar. Crofts.

B. P. R. O. South Carolina B. I. Vol 5

Q 27/ At the Council Chamber Whitehall 6 June 1732

By the Right Hon^{ble} the Lords of the Committee for Plantatⁿ Affairs
Whereas there was this day read to their Lordships a Report from the Lords
Commissioners for Trade and Plantations dated the 26th of last Month upon
the humble Representation of John Calt in behalf of M^r John Peter Murray
and such Swiss protestant Families as design to settle in South Carolina
praying that a Grant may be made to the said Murray of Forty Eight
thousand Acres of Land in that Province subject to the usual Quit Rents
after the first Ten Years of the Grant are expired for the better enabling him
to carry on his design of settling Six hundred Swiss Families in Carolina
and that the said Land may be laid out contiguous to the Township
called Murrayborough on the Great Yamasee Bluff on the Savannah River

And whereas the Lords Comm^{rs} have offered it as their opinion
that it may be for His Majesty's Service that the petitioners request
should be complied with under the restrictions following viz:

That the said Swiss or so many of them as are of a competent age for
that purpose do upon their Arrival in Carolina take the usual oaths of
Allegiance to His Majesty. that after they have taken the said oaths Land
shall be assigned them by His Majesty's Governor where they shall dwell
together in one or more Townships in such place or manner as may be for
the security of the said Province And that the said Murray shall not be
entitled to the Grant of Forty Eight Thousand Acres till the service
undertaken by him shall have been fully performed and that it
shall

'shall appear to His Majesty's Governor in South Carolina by Certificates from one or more officers of the Customs that the said Purry hath caused to be imported into South Carolina Six hundred Swiss Protestants including Men Women and Children'

The Lords of the Committee upon considering the same are hereby pleased to order that the said Lords Comm^{rs} for Trade and Plantations do prepare a Draught of Additional Instructions for the Governor of South Carolina to Empower him to make a Grant of Lands to the said M^r Purry not exceeding Forty eight thousand Acres (subject to the Quit Rent reserved by his Instructions after the expiration of the first ten years) Upon the conditions above proposed by the said Lords Commis^{rs} and likewise upon this further Condition That if any of the Lands so granted shall not be cultivated within the space of Ten Years from the date of the Grant such lands shall in that case at the expiration of the said Ten years revert to the Crown. And the said Lords Commis^{rs} are to lay the said Draught of Additional Instructions before this Committee

W. Sharpe

Rec^d 9 June }
Read 13 . } 1732

B. P. R. U. South Carolina (D.T.) Vol. 26. p. 41

Whitchall

June 16th 1732.

To the Rt. Hon^{ble} the L^{ds} of y^e Committee
of His Majesty's most Hon^{ble} Privy Council.

My Lords,

In pursuance to y^{or} Lordships Order of y^e
6th Instant, We herewith transmit to y^{or} Lordships y^e
Dra^{ft} of an Additional Inotⁿ wch We have p^rpared
for Col^o Johnson His Majesty's Gov^r of S^c Carolina,
whereby he is empowered under y^e Conditions ex-
pressed in y^e S^t Instruction, to Grant y^e Sieur Jean
Pierre Purry, forty eight Thousand Acres of Land in
that Province, Subject to y^e L^{ow} Rent, Reserved by
his Instructions, after y^e Expiration of y^e first Ten
Years of y^e Grant; & upon further this Condition, that
if any of y^e Lands so granted, shall not be cultivat-
ed within y^e Space of Ten Years from y^e Date of y^e
Grant, such Lands shall in that Case at y^e Expir-
ation of y^e S^d Ten Years, revert to the Crown. We are

My Lords,

y^{or} Lordships

Most Obedient & most humble Servts.

P. Dorniniquis

P. Doerninque

J. Pelham.

C. Ashe.

[Enclosures]

Additional Instruction To Robert Johnson
Esq, His Majesty's Capt. General & Governor
in Chief in & over His Majesty's Province of
S^t Carolina in America, or to the Command
-er in Chief of His Majesty's said Province
for y^e time being. Given at

Whereas the Sieur Jean Pierre Purry of Neufchatel
in Switzerland, has by Petition humbly prayed that His Majesty
would be pleased to Grant to him y^e sd. Purry, Forty Eight Thou-
sand Acres of Land in S^t Carolina, Subject to y^e usual Limit-
-ations, reserved upon all Lands, granted by the Crown in His
Majesty's said Province, after the Expiration of y^e first Ten
years from y^e Date of his Grant, And in Consideration
of this Grant has proposed to settle Six Hundred Swiss
Protestants in the said Province, including Men, Women
and Children, at their own Expence, within the Space
of Six years, to commence from Christmas 1731, We have
Considered

Considered the said Petition and are Graciously pleased in His Majesty's Name, to approve thereof, upon the following Conditions

First, That the said Swiss, or at least, so many of them, as are of a Competent Age for that purpose, do upon their Arrival in Carolina, take the usual Oath to His Majesty.

2^{dly} That after they shall have taken the said Oath you do Grant them Lands & settle them in such place & in such manner as you shall judge most conducive to the Interest & Security of y^e sd^e Province.

But you are to take Notice that y^e sd^e Purry is not Entitled to the Grant of Forty Thousand Acres of Land until it shall appear to you by Certificates from One or More Officers of His Majesty's Customs, that y^e sd^e Purry hath Imported or caused to be Imported into South Carolina, according to his Proposal Six Hundred Swiss Protestants, including Men, Women and Children upon which Certificates, We do in His Majesty's Name - Authorize & Impower you, to make a Grant of Lands, to y^e sd^e Purry, not exceeding Forty eight Thousand Acres in His Majesty's Province of South Carolina, subject to y^e Quit-Rents reserved by y^e Instructions, after y^e Expiration of y^e first Ten Years from y^e D^e of this Grant, & under this

this further Condition, that if any of y^r Lands so granted shall not be cultivated within y^e said Space of Ten years from y^e Date of this Grant, such Lands shall in y^e Case, at y^e Expiration of y^e sd Ten years Revert to y^e Crown.

B. P. R. V. South Carolina (B. T.) Vol 26. p. 46.

Whitchall.

June 21st 1732.

To Col^o Johnson

Sir,

The inclosed is an Extract of Capt^o Burningtons Letter to us, of y^e 24th of Sept. last, intimating some Apprehensions he is under, that the Indians under y^e Government are expected to make some Attempt against those of North Carolina; As this is a Matter of great Concern, whereon y^e Interest of both Provinces is so much depending, We are surprized You have given us, no Acct. thereof, and as We have waited thus long, in Expectation of hearing from You on this Head, We persuade Our selves y^e Indians may have laid aside any Design of Attacking those of North Carolina, And We doubt not, but you will use all possible p^r caution to p^r vent so great an Evil.

We have wrote by this Occasion to the Gov^{rs} of N^o Carolina & N. York, to use their Endeav^{rs} to put an End to these Misunderstandings, So We bid You heartily farewell, and are,

Your very Loving Friends,
and

And humble Servants,

P. Doerninque.

J. Pelham.

Ed. Ashe.

B. P. R. O. South Carolina (B.T.) Vol. 26. p. 46.

Whitchall

June 23rd 1732.

To the Right Hon^{ble} St Robert Walpole.
Chancellor of y^e Excheq^r And to y^e rest of the
Lords of His Majesty's Treasury.

My Lords,

Having received a Memorial from Richard-
Shelton Esq^r late Secretary to y^e Lords Proprietors of -
Carolina & the Bahama Islands, in the following Words.

To the Right Honourable the Lords Commis-
sioners for Trade & Plantations

The Memorial of Richard Shelton, Secretary
to the late Lords Proprietors of Carolina, and the Bahama
Islands.

Humbly Sheweth Forth

That your Memorialist was
upwards of Twenty Years, Secretary to the said Lords
Proprietors of those Colonies, and y^t during the time of
his Executing that Office, he had frequently the Honour
of Attending this Your Lordships Board, where he
hopes the Business he was engaged in, was always
Dispatch'd to y^e Lordships Approbation & Content.

That in y^e late Treaty between His Majesty, and
the

the Lords Proprietors for the Sale & Surrender of the Province of Carolina to the Crown, Yo^r Memorialist was very Instrumental & took great pains to bring the Treaty to a Conclusion which tended so much to the advantage of the Lords Proprietors, and to ye service of the Crown; But how much Yo^r Memorialist suffered after that Agreement was compleated, some of Your Lord^{ships} are so very well apprized of that Affair; y^t your Memorialist will not trouble Yo^r Lordships any further upon that Head.

And your Memorialist begs Leave further, to represent, that he being, always desirous of serving this present Government, has with great Industry & Application, as some of Yo^r Lord^{ships} very well know, brought about a Treaty for the absolute Surrender of y^e Bahama Islands to His Majesty, which Agreement is at last Settled & Adjusted.

That Yo^r Memorialist has a great Sum of Money due to him, for Arrears of his Salary, as Secretary to the Bahama Islands, and for y^e Rent which he p^{aid} for y^e Office, & for Incident Charges, near One Thousand Pounds.

That Yo^r Memorialist, did not apply to have this Debt inserted, in y^e Demand made to y^e Crown for y^e Islands
 this

tho' it would most certainly have been done, as in ye case of Carolina, Least the same should have given an Occasion of inserting other large Debts, likewise into that Demand Yo^r Memorialist knowing y^e great Consequence it is to y^e Publick, that His Maj^{ty} should purchase y^e Ist Islands, was Determined, that his private Demands, how just & reasonable soever should not Delay or hinder that Agreement.

Yours Memorialist therefore humbly begs that Yo^r Lord^{sh} will be pleased to recommend his Condition to y^e Crown for he being now out of all Employment, hopes by Yo^r Lord^{sh} Testimonial of his Services, to be once more put into a Capacity and be enabled to Support himself and his Family.

All which is most humbly submitted.

We hereby Certify that y^e S^r M^r Shelton has frequently Attended this Board, as well during the time that Carolina was under y^e Govern^{mt} of y^e Lords Proprietors, as since, And that upon all Occasions he Behaved himself with Capacity & Fidelity And that he has been lately very Instrumental in y^e proposed Sale of y^e Bahama Islands to y^e Crown, wherein he has Discharg^d his duty to y^e S^r Proprietors; and at the same time shew^d a proper Regard for y^e Interest of y^e Publick.

We therefore take Leave to recommend him to -
Your

Your Lordships favour for some Employment, which we are
persuaded he will Discharge with Capacity and Integrity

Westmoreland,

P. Doernique.

M. Bladen.

E^d. Ash.

Or. Bridgeman.

Is. Brudenell.

B. P. R. O. A + N. S. Vol. 19. p. 14.

Charles Town June 25th 1732.

My Lord,

I have had the Honour to receive from Your Grace His Majesty's Additional Instructions dated from St James's the 10th of December 1731 ordering that I shall not give my consent to any Law imposing Dutys upon Negroes imported into Carolina or Felons from Great Britain I shall obey His Majesty's commands therein for the future, but must beg leave to observe to Your Grace that there is a Law subsisting which lays a Duty upon Negroes, and that £5000 a year this currency out of the amount of the said Duty is appropriated agreeable to His Majesty's Instructions to me towards laying out Townships and Subsisting New Comers for a year, in order to encourage the peopling the Province, and I humbly apprehend it will be for His Majesty's Service, that Law should have His Majesty's Approbation and Subsist for the time limited therein, which is about 6 years to come, I having pursuant therunto caused the Townships to be set out, and given other encouragements to New Comers.

I have received His Majesty's Sign Manual requir-
ing

ing Letters Patents to be passed under the Great Seal
of the Province to appoint Mr Isaac Amyand clerk
of the Assembly, which shall be done, I am with
great respect

My Lord

Your Graces Most Obedient and
most humble servant

Robt Johnson.

S

B. P. R. O. South Carolina B. 2. vol 5

Q. 40

Charles Town 26 June 1732

To the Lords of Trade

My Lords

I have the honor of your Lordships from Mr. Popple of 18th November 1731 advising the receipt of mine of the 26th of March and 18th of August I shall continue to give your Lordships constant accounts of all Transactions in my Government I have received from His Grace of Newcastle His Majesty's Order directing me to commissionate Mr. Isaac Amyand to be Clerk of the Assembly here which shall be done and I shall always insist upon His Majesty's prerogative in naming all his Officers. I shall transmit as I have already done Copies of all Laws passed, Mr. Juxy writes me those of the last Session are arrived safe

The Assembly since my last have sat and amended some deficiency in the Tax Law for the Current year which is paid in already, and did some other necessary business, and are prorogued to Tuesday the 12th of September next by reason of the heat of the weather when I believe they will sit to do business

I have received an Additional Instruction from His Grace of Newcastle dated the 10th of December 1731 ordering me not to pass any Law on the Importation or Exportation of Negroes from Africa or India from England which I shall take care to obey, but hope this application of the Merchants wont go so far as to desire that the Appropriation Act sent to your Lordships be disannulled which appropriates £5000 a year

year this Currency arising from that duty towards setting out Townships and furnishing provisions for one year to New Settlers six of which Townships I have already caused to be marked out for that purpose the drafts of which shall be sent your Lordships as soon as ready

We are in great hopes to hear of his Majesty's Approbation of the Quit Rent Law and the aforesaid Appropriation Law. We think His Majesty's Quit Rents are effectually secured in proclamation Money and the people look upon it as the Magna Carta of Carolina in regard to the securing the property ^{to} to their lands

I was not able the last setting to induce the Assembly to settle a fixed salary upon me and His Majesty's Officers; that being dispensed with now in New England, has I believe influenced this province, they don't absolutely refuse it but postpone it

The Council have had much trouble with Mr. S^r John Surveyor General of Lands. he takes the whole fee of 4^d per acre allowed him by Law for surveying Lands. before he will certify a plot and leaves his deputies to be paid by the persons the Land is surveyed for, which rather than not have it they pay him, contrary to the intention of the Law and the practice of former Surveyors who always allowed the deputy half for surveying so that now every person who purchases Land of the King pays 6^d some 8^d per acre for the Survey and the Assembly and people are very uneasy at his proceeding and last Session brought in a Bill to regulate his Fees but in tenderness to him as the King's Officer we dropped it in the Council hoping he would have made the people easy but he still

still continues doing it notwithstanding the Councils order to him to the contrary which occasions a great discontent and I fear we shall have more trouble about it when the Assembly meets again.

I was likewise desirous of obliging him in giving him the ascertaining where the Townships are to be laid out, and in Council proposed paying him £500 Carolina currency a Township but he insisted on being paid at the rate of 4^d p^r acre besides charges which in all would have amounted to above £27000 Currency a sum the province is in no Capacity of bearing so considering His Majestys 43rd Instruction directing me to mark out the said Townships and consulting the Council and Assembly upon it who were of opinion he had no pretension to any Fees till the Lands in those Townships were granted as directed by His Majestys Instructions when he would have the surveying them and would then be entitled to his Fees for the same, and several of the Council who understand surveying, situation and goodness of the Lands, offering to mark them out in person for £500 Currency a Township after several refusals from M^r S^t John and reasoning with him M^r Yonge late Surveyor General M^r Chief Justice Wright M^r Skeene, Coll Bull and M^r Wareing undertook them and have done 6 of them already. M^r S^t John says he has remonstrated to the Treasury and to your Lordships that he has had hardship done him in not being the person employed, but I humbly hope your Lordships will not think so and that we have dealt with M^r S^t John with all the tenderness imaginable and have acted in the best manner for His Majestys Service and that of the province he having

having reduced us to the necessity of either disobeying his Majesty's Instructions or complying with his unreasonable demands. The Attorney Gen^l. M^r. Atterbury by whom this goes, can inform your Lordships of all proceedings in this affair as having Copies of all papers relating thereto. M^r. St John exerts other Dees also not warranted by Law which he likewise has been admonished by the Council not to do but to no purpose, he is gone to North Carolina where as well as here, he is Deputy Auditor, Inspector and Comptroller.

I now transmit to your Lordships the Naval Officers Quarterly Accounts commencing the 29th of Sept. 1731 and ending the 25th of March 1732 we wait with Impatience to hear of the Approbation of the Quit Rent and Appropriation Laws and I have at present nothing more material to communicate to your Lordships I am with the greatest respect. My Lords

Your Lordships most obed^t & most humble Servant

Rob^t. Johnson

N. S. The Bill brought before me and the Council by the Assembly to regulate the Surveyor Generals Dees was drop'd by us, he having hinted to us he would always be determin'd and guided by us in the Execution of his Office, which induced us to settle his Dees by Order of Council rather than by Law, which when done he takes no notice of. Your Lordships will please to observe further that the Gentlemen who have fix'd the Bounds and the limits of the several Townships, have also included the six miles round each Township for the consideration of £500 currency, which the Surveyor General refused to do demanding one penny p^{er} acre for each acre contained in the six miles circumference

Rec^d 21 Aug
Read 6 Dec } 1732

B P R O South Carolina B 2 Vol 6

Q. 30

At the Court at Kensington the 21st day of July 1732

Present

The Queens most excellent Majesty Guardian of the
Kingdom of Great Britain and His Majesty's Lieut.
within the same in Council

Whereas by Commission under the Great Seal of Great Britain the Govern^r
and in his absence the President of the Council together with the Council
and Assembly of His Majesty's Province of South Carolina are authorized
and Empowered to make constitute and Ordain Laws Statutes and
Ordinances for the public peace Welfare and Good Government of the
said Province which Laws Statutes and Ordinances were to be as near as
conveniently may be agreeable to the Laws and Statutes of this Kingdom
and to be transmitted for His Majesty's Royal Approbation or disallowance
And Whereas in pursuance of the said powers An Act was passed in
the said Province on the 11th day of March 1726 which hath been
transmitted Entitled as follows viz^t An Act for the better settling
the Courts of Justice. Which Act together with a representation from
the Lords Commissioners for Trade and Plantations thereupon having
been referred to the consideration of a Committee of the Lords of His
Majesty's most Hon^{ble} Privy Council. The said Lords of the Committee
this day presented the said Act to Her Majesty at this Board with their
opinion that the same ought to be repealed. Her Majesty taking
the

the same into consideration is pleased with the advice of His Majesty's
 Privy Council to declare Her disallowance of the said Act and pursuant
 to Her Majesty's pleasure thereupon expressed the said Act is hereby repea-
 led declared void and of none effect - Whereof the Governor or Commander
 in Chief of His Majesty's Province of South Carolina for the time being
 and all others whom it may concern are to take notice and govern
 themselves accordingly

Rec^d Aug 15 / 1732
 Read Sept 7 /

A true Copy
 Ja: Vernon

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B P R O. South Carolina B. 2 vol 5

Q. 31

At the Court at Kensington the 21st July 1732

Present

The Queens most Excellent Majesty Guardian of the
Kingdom of Great Britain and His Majesty Lieut^l

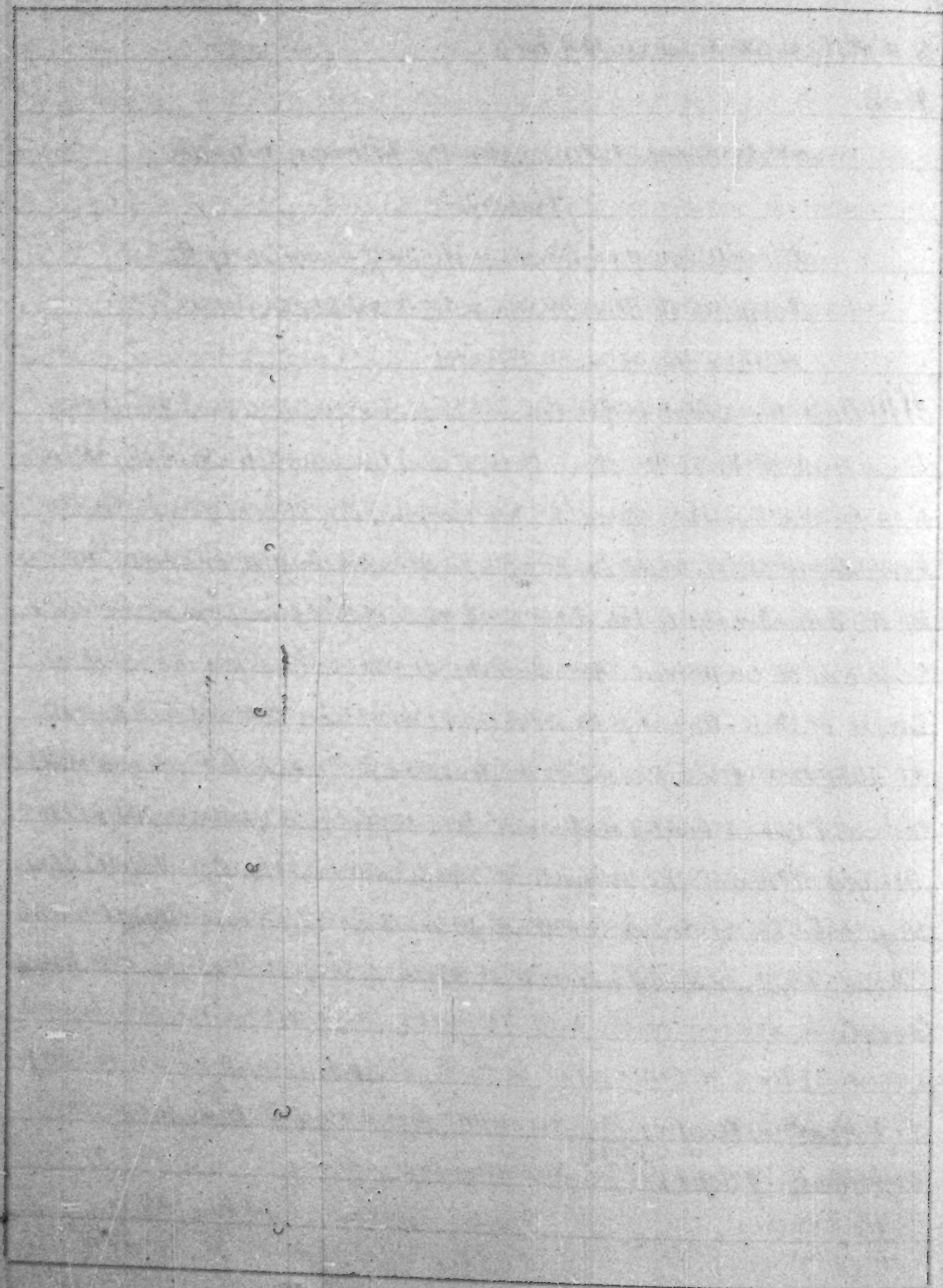
within the same in Council

Whereas the Lords of the Committee of His Majestys most Honorable
Privy Council have by their Report this day read to Her Majesty at
this Board humbly offered to Her Majesty An Act passed in the
Province of South Carolina on the 17th of December 1720 Entituled 'An Act
for the amendment of the Law' with their opinion that the same was
proper to be confirmed Her Majesty was thereupon pleased with the
advice of His Majestys Privy Council to declare Her approbation of
the said Act. And pursuant to Her Majestys pleasure thereupon expressed
the said Act is hereby confirmed finally enacted and Ratified accor-
dingly Whereof the Governor or Commander in Chief of His Majestys
said Province of South Carolina for the time being and all others in
whom it may concern are to take Notice and govern themselves accor-
dingly

A true Copy

Jas. Vernon

Rec^d 15 Aug } 1732
Read 7 Sept }



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B. P. R. O. South Carolina B. D. vol 5

Q 32

At the Court at Kensington the 21st day of July 1732

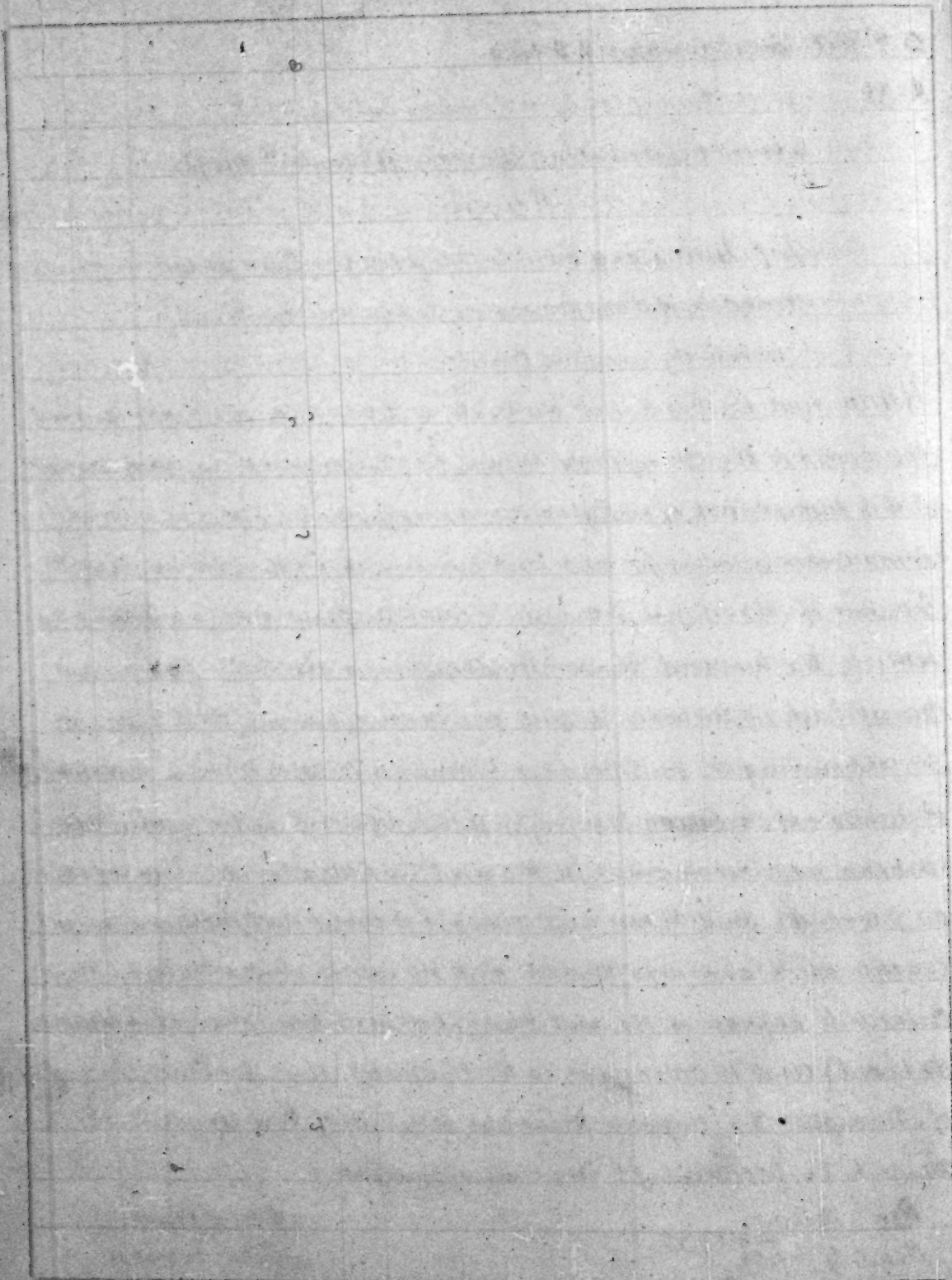
Present

The Queens most Excellent Majesty Guardian of the
Kingdom of Great Britain and His Majesty Lieut^t
within the same in Council

Upon reading this day at the Board a Report from the Right Honour^{le}
the Lords of the Committee of Council for plantation Affairs dated the 12th
of this Instant with a draught of Additional Instructions prepared by the
Lords Commissioners for Trade and plantations to Robert Johnson Esq^r
Governor of His Majesty's province of South Carolina for his guidance in
settling six hundred Swiss protestants whom the Sieur Jean pierre
Fury hath undertaken to send over to that province And likewise
for empowering the said Governor to grant to the said Fury a Quantity
of Lands not exceeding forty eight thousand Acres under certain con-
ditions as a recompense for his said undertaking Her Majesty this
day took the said Report and Draught of Additional Instructions into
Consideration and was pleased with the advice of His Majesty's privy
Council to approve of the said Draught of Instructions (which is hereunto
annexed) And to Order as it is hereby Ordered that His Grace the Duke
of Newcastle His Majesty's principal Secretary of State do cause the
same to be prepared for Her Majesty's signing

Rec^d 15 Aug } 1732
Read 7 Sept }

A true Copy
Ja: Vernon



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B. P. R. O. South Carolina B 2 Vol 5

Q 28 At the Council Chamber Whitehall 25 July 1732

By a Committee of the Lords of His Majestys most Hon^{ble} Privy Council
Her Majesty having been pleased to refer unto this Committee the humble petition
of the Trustees for establishing the Colony of Georgia in America setting forth that
being incorporated by His Majestys Royal Charter bearing date the ninth day
of June last. for settling a regular Colony within the bounds of the Province of
South Carolina they find it necessary for carrying on the said service. that
Notice should be given of the said Charter to the Governor of the said Province
with a signification of His Majestys pleasure. that all due countenance and
encouragement should be given for the settling of the said Colony. And there-
fore humbly pray that Her Majesty would be pleased to give such Instruc-
tions to the Governor of the said Province as may be proper upon this
occasion. and likewise a direction for Registering the said Charter in the
records of the said Province from a Copy to be annexed to the said Instructions
The Lords of the Committee this day took the said petition into their
consideration and are hereby pleased to order that the Lords Commissioners
for Trade and plantations do prepare a Draught of Instructions for the
Governor of His Majestys Province of South Carolina agreeable to the prayer
of the said petition which is hereunto annexed And presents the same
to this Committee

Jas. Vernon

(Inclosure)

(Incloure)

To the Queens most Excellent Majesty. Guardian of the
Kingdom ^{1st} in Council

The humble petition of the Trustees for establishing the
Colony of Georgia in America

We your Majestys humble pet^{rs} being incorporated by His Majestys
Royal Charter bearing date the 9th day of June last for settling a regular
Colony within the Bounds of the Province of South Carolina find it
necessary for carrying on the said service - That notice should be given
of the said Charter to the Governor of the said Province with a Signifi-
cation of Your Majestys pleasure that all due countenance and Encou-
ragement should be given for the settling of the said Colony

And therefore most humbly pray that Your Majesty would be
pleased to give such Instructions to the Governor of the said Province as
may be proper upon this Occasion and likewise a Direction for Regis-
tering the said Charter in the Records of the said Province from a
Copy to be annexed to the said Instruction

Rec^d 11 Aug^r } 1732
Read & . }

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To P. R. O. South Carolina B. D. vol 5

Q41

11 Aug 1732

*M^r Attorney & M^r Solicitor Generals Report upon Queries relating
to y^e validity of Laws passed by the proprietors in Carolina before
and after notice of y^e purchase by y^e Crown.*

*The Lords proprietors of Carolina having always appointed Governors of
that province before they made Sale thereof to the Crown those Gov^{rs} with the
Consent of the Assembly & Council there passed Laws and have continued so
to do, even since the purchase made by the Crown, not having notice of the
said purchase.*

*Q^{ry} Whether any Law passed after the said purchase by the proprietary
Governors in their names before notice of the Sale are valid?*

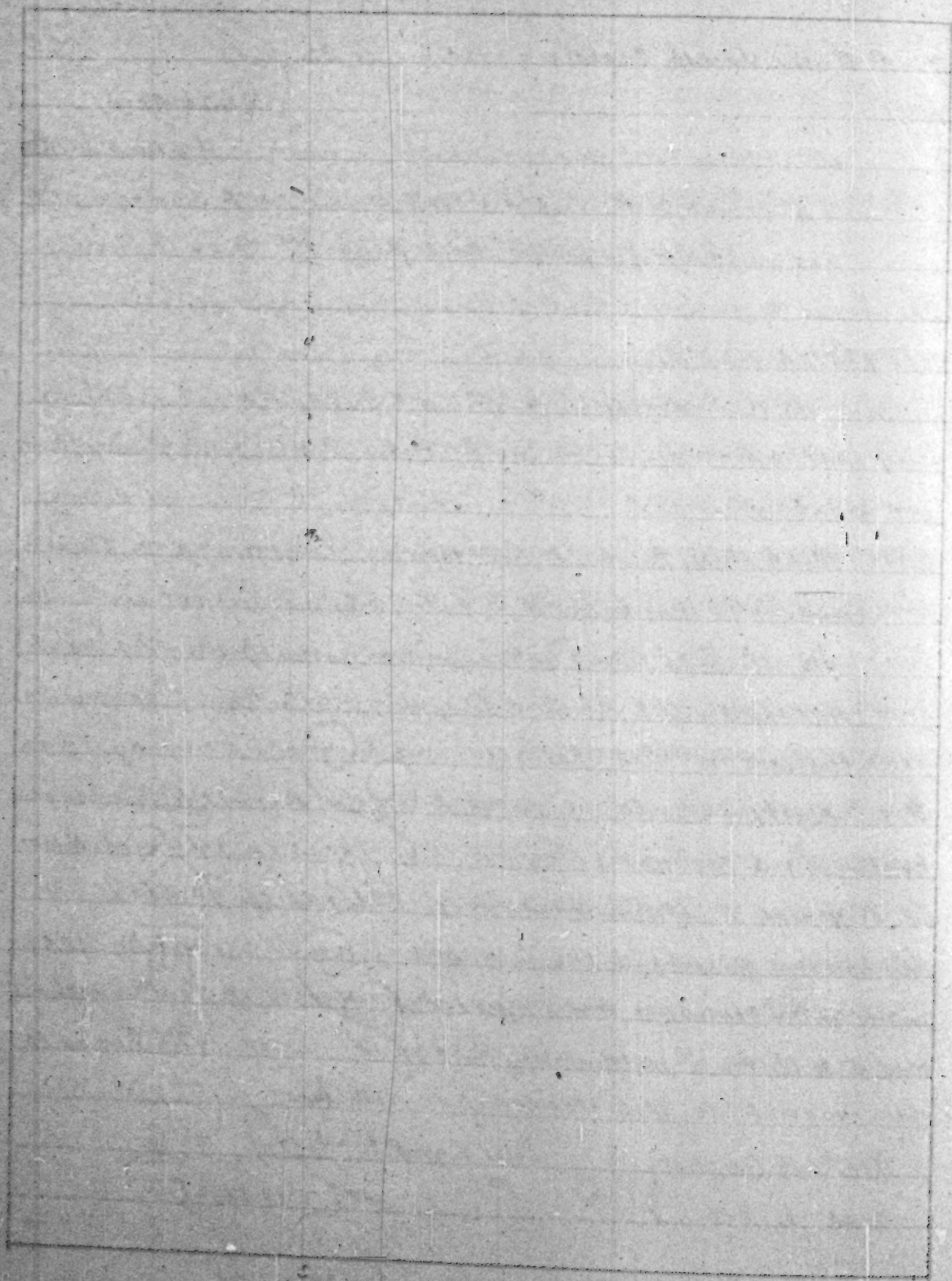
*Whether Laws passed in the proprietors names after notice of such
purchase and before the King appointed a Governor of his own be
valid?*

*We are of opinion that Laws passed by the Governor appointed by the Lords
proprietors & in their names, after the sale and before notice thereof arrived
in the province, are of the same validity as such Laws would have been if
they had been passed in like manner before such sale. But that any Laws
passed in the proprietors names, after notice of their having conveyed their
Interest to the Crown are absolutely Null & void*

J. Yorke

C. Talbot

*Rec^d 18 August
Read 6 Dec. } 1732*



B. R. R. U. South Carolina (N.T.) Vol. 26. p. 50.

Whitehall,

Septemb^r 6th 1732.

To the Right Hon^{ble} the Lords of the Committee
of His Majesty's most Honour^{able} Privy Council.

My Lords,

In Pursuance, of Y^{rs} Lordships Order of y^e 25th of
July last, referring to us the Humble Petition of y^e Trustees
for Establishing y^e Colony of Georgia in America, setting-
forth, that they find it necessary for carrying on their-
intended Settlement, that His Majesty's Governor of South
Carolina should have notice given him, of the Charter of
Incorporation, which His Majesty hath been pleased to
grant them in this Behalf; and humbly praying, that
His Majesty would be pleased to give proper Instructions
to the said Governor upon this Occasion, & direct him
to Register y^e sd Charter in y^e Records of y^e Province,
We have prepared the Draught of an Instruction for
Colonel Johnson His Majesty's Governor of South Carolina
upon these Points, which we herewith take Leave to
transmit to Y^{rs} Lordships. We are,

My Lords,

Y^{rs} Lordships,

Most

Most Obedient & most humble Servts

J. Peckham.

Mat. Bladen.

Ja. Brudenell.

Additional Instruction to Robert Johnson
Esq^r His Majesty's Capt^l General & Governor
in Chief, in & over His Majesty's Province
of South Carolina, in America, or to the
Commander in Chief of His Majesty's said
Province for the time being. Given

Whereas application hath been made to us by y^e
Humble Petition of the Trustees, for establishing the Colony
of Georgia in America. Setting forth - That the Petitioners
being Incorporated by His Majesty's Royal Charter, bear-
ing Date y^e 9th day of June last, for settling a Regular
Colony within the Bounds of y^e Province of South-
Carolina, They find it necessary for carrying on the
said Service, that Notice should be given of y^e sd -
Charter to the Governor of the said Province with a
signification of Our Royal Pleasure, that all due Coun-
tenance & Incouragement should be given for settling
y^e

Y^r S^d Colony, and therefore, most humbly praying, that
we would be pleased to give, such Instructions to Y^r —
Govern^r of Y^r said Province, as may be proper upon
this Occasion, and likewise a Direction for Registering
the said Charter in the Records of Y^r said Province, from
a Copy to be annexed, to Y^r said Instructions, We have
been graciously to Condescend to Y^r Petitioners Request
and have thought fit in His Majesty's Name, hereby to
Will & Require you, to give all due Countenance & En-
couragement, for the settling of the said Colony of —
Georgia, by being Aiding & Assisting to such of His
Majesty's Subjects as shall Come into Y^r S^d Province
of South Carolina, for that purpose, according to
His Majesty's gracious Intentions, declared in His
Royal Charter, aforementioned, a Copy whereof is
hereunto Annexed; which We do in His Majesty's
Name hereby further require you, to cause to be
forthwith Registered & Entered upon Record, and
by the proper Officers in His Majesty's said —
Province of South Carolina

Edw

2

recd 6 Sep 1782

*The Case of the Patents granted to the Landgraves and Caciques
in South Carolina*

His late Majesty King Charles the Second by His Royal Charter bearing date the 30th day of June in the Seventeenth year of his Reign granted to the late Lords proprietors the province of Carolina with all the Royalties, Propriety and Jurisdictions of a County Palatine and amongst other things by the said Charter given and granted his said Maty^y Did give and grant unto the said Lords proprietors their Heirs and Assigns full power and Authority to give and confer unto and upon such of the Inhabitants of the said province or Territory as they should think did or should merit the same such marks of Favor and Titles of Honor as they should think fit so as their Titles or Honours should not be the same as were enjoyed by or conferred upon any of the Subjects of the Kingdom of England.

The said late Lords proprietors by certain Fundamental Constitutions under their Hands and Seals bearing date the 1st day of March 1669 agreed upon and established by the aforesaid Lords proprietors did amongst divers other things in the said Constitutions provide as follows viz^t:-
Constitution 9th. There shall be just as many Landgraves as there are Countys and twice as many Caciques and no more These shall be the Hereditary nobility of the province and by right of their Dignity be Members of Parliament Each Landgrave shall have four Baronys (a Barony contains 12000 Acres) and each Cacique two Baronys hereditarily & unalienably annexed

annexed to and settled upon the said dignity.

Constitution 11 Any Landgrave or Cassique at any time before the year 1701 shall have power to alienate sell or make over to any other person his dignity with the Baronys thereunto belonging All intirely together But after the year 1700 no Landgrave or Cassique shall have to alienate sell make over or lett the hereditary Baronys of his dignity or any part thereof otherwise than as in 18 but they shall intirely with the Dignity thereunto belonging descend unto his Heirs Male and for want of Heirs Male all intirely and undivided unto the next Heirs general and for want of such Heirs shall devolve into the hands of the Lords proprietors

Constitution 18 The Lords of Signiorics and Baronys shall have power only of granting Estates not exceeding three lives or Thirty one years in two thirds of the said Signiorys or Baronys and the remaining third shall be always Someone.

The said late Lords proprietors in pursuance of the aforesaid powers and according to the before recited constitutions created by their Letters patent diverse Landgraves and Cassiques and by the same Letters patent have granted upwards of Eight hundred thousand acres of Land as appears by the several patents now remaining of Record in the Secretaries office in Carolina.

The patents of the Landgraves have all one form and the Cassiques the same Mutatis Mutandis viz. A B Landgravius Tenore presentium Erigimus 1^{ca} cum quadraginta octo mille Ingerickaria aliqz privilegijs eadem dignitati pertinentibus Habendum et Tenendum statum gradum

gradum 1^o Landgravi una cum praedictae Terrae praefatae. Atque secundum
Tenorem fundamentalium nostrarum Constitutionum in perpetuum in
most of these patents were granted before the year 1700 And not ten thou-
sand Acres of land ever taken up or ascertained in the lives of the first
patentees but the said patents laid neglected till his treaty in the year
1721 took the Government of South Carolina provisionally into his
hands At which time the Heirs and Assignees of the said patentees
made use of these patents and got into their hands vast quantities of
Land.

By the late Act of parliament the surrender of Carolina to his Majesty
all the Right and Title of the late Lords proprietors in the said Act of
parliament mentioned to seven eighths of Carolina is surrendered to &
become vested in His Majesty. When the Right Hon^{ble} the Lords Comm^{rs}
for Trade and plantations had under their consideration the settlement
of Carolina they caused one of these patents granted to S^r Nathaniel
Johnson Kn^t father of Robert Johnson Esq^r present Governor of Carolina
to be laid before his Majesty's Attorney & Solicitor General for their
opinion thereupon who reported that the said patent was absolutely void
in Law The rest of the patents being of the same Tenor must of consequence be
also void. The opinion of His Ma^{ty}'s Attorney & Solicitor General was delivered
together with the aforesaid patent to the said Governor by the Lords of
Trade notwithstanding which opinion the Governor Council & Assembly
passed an Act on the 20th day of August 1731 Intituled an Act for the
Remission of arrears of Quit Rents 1^o whereby amongst other things
it

it is enacted That all and every persons and persons who are now possessed
 of or do hold any Messuages Lands Tenements or Hereditaments whatsoever
 in the said province of South Carolina by and under any original patents
 Grants deeds Indentures or Poll either made by the said Lords proprietors
 or by their palatine or his Deputy or any three more of the said Lords
 proprietors or their deputies or by any other person or persons whatsoever
 commissioned by their palatine and any three or more of the said Lords
 proprietors or by any five of the said Lords proprietors their Deputies or
 Commissioners as of Fee simple or Fee Simple conditional or for life or for
 term of years Estate or Estates by virtue of any meane Conveyances derived
 from and under all and any such Original patents Grants deeds indented
 or Poll shall and may from henceforth quietly and peaceably have hold
 use occupy possess and enjoy all and every such Messuages plantations
 Lands Tenements and Hereditaments whatsoever to them their Heirs or
 Executors Administrators and assigns respectively according to the
 several Tenures in such Original patents Grants deeds indented or Deeds
 Poll & meane conveyances or last Will derived from and under them
 respectively mentioned and expressed and that against his said
 Majesty his heirs and successors for ever and against all and every the
 said Lords proprietors and their Heirs and all and every person and
 persons whatsoever save and except as hereinafter is saved & excepted
 And that for and notwithstanding any misnomer or omission of the
 names of any of the said Lords proprietors or their Deputies any want
 of significant and necessary words in Law for conveying of such Lands
 any

any omission commission or mistake whatsoever in the said Grants done or omitted or committed by all or any of the said Lords proprietors their Deputy or Trustees commissioned by the said Lords proprietors for selling of lands in this province according to the true intent and meaning of this Act & also for and notwithstanding any proper seal or seals not being used or affixed by the said proprietors their Governor Deputy Commissioners or Trustees to all or any such patents Grants Deeds or Commissions And also for and notwithstanding the Lands granted or conveyed or intended to be granted and conveyed by such patents Grants Deeds Indented or Roll have not been sufficiently described or ascertained in such patents Grants Deeds Indented or Roll so that nevertheless any such lands or some part thereof have been surveyed or meted out or ascertained by such surveyor patentees Grantees or purchasers or to their Heirs or Assigns of the persons named as patentees or Grantees or Assignees in such patents or Grants or Deeds of Assignment or to their or any of their Attorneys or Agents in their behalf by Survey of a Sworn Surveyor or Surveyors as part of such patent Lands or certified or returned into the office of Surveyor General by a sworn Surveyor or Surveyors thereto appointed or so that the same Lands or some part thereof have been described or ascertained by subsequent Grants thereof to such original patentees Grantees or to persons named as such their Heirs or Assigns or to under purchasers by Meane Conveyances from such original patentees Grantees or Assignees or persons named as such their Heirs or Assigns or to persons claiming under them as such or to their Attorneys or Agents in their or any of their behalf

behalf before the passing of this Act or so that any lands which at any time
 within two years after a Surveyor General shall be appointed by his Ma^{ty}
 and after his the said Surveyor General's arrival in this province be meted
 out and ascertained to any patentee or patentees their Heirs or Assigns or
 persons claiming under them as such by virtue of any patents, Grants
 Indentures or Deeds heretofore made by the said proprietors before the
 said Act of Parliament passed in Great Britain for vesting the same in
 his Majesty and also for and notwithstanding any want of Surveyor's
 Enrolment, Attestment or any other defect whatsoever in the execution
 of all or any such patents Grants Deeds Indentures or Deeds so made by
 the said Lords proprietors or any of them their Governors Deputies or
 Commissioners or in the not timely execution or for the non-execution
 of the same by reason of the first or former patentee or patentees dying
 before such lands were meted out to him or them in part of such
 patents or otherwise howsoever, that nevertheless the heir or heirs of the
 persons who were named as patentees or Grantees or purchasers in such
 patents Grants or deeds of Assignment or the Heirs or Assigns of such
 first or former patentee or patentees whatsoever claiming as such
 under all or any of them their Agents or Attorneys did cause any part
 of such vacant and unoccupied lands to be meted out or ascertained to
 them or any of them their Heirs or Assigns or persons named as such
 in such deeds of Assignment Conveyances or Last Wills or to their
 Attorneys or Agents in their behalf by Survey or Survey of a sworn
 Surveyor or Surveyors or certified or returned into the Surveyor Gen^l
 office

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Office for and in part of such patent lands before conveyed or intended to be conveyed by such original patents Grants Indentures or Deeds or so that such lands be meted out to such patentee or patentees, at any time within two years after a Surveyor shall be appointed and arrive in this Province as aforesaid and also for and notwithstanding any other Defect Omission or Commission in form or substance Law or Fact in all or any such Original patents Grants Indentures or Deeds or Assignments of the same or in the execution thereof or of any of them so that such Lands or some part of them have been meted out or ascertained to such patentees Grantees or Assignees or to persons named as such in any such patents Grants or Deeds of Assignment to their Attorney or Agents in their behalf or returned into the Surveyor Generals Office as aforesaid at any time before the passing of this Act and all and every such patents Grants Indentures and Deeds and all other patents Grants Indentures and deeds from the said proprietors their Governor Deputy Commissioners or Trustees where lands have been so meted or ascertained or returned as aforesaid and the assignments thereof are hereby ratified & confirmed for and notwithstanding all or any such defects in the patents Grants or deeds aforesaid or any of them or the assignment thereof or other defects whatsoever in not timely executing undue or non execution thereof as aforesaid or so that such Lands be meted out to such patentee or patentees at any time within two years after the arrival of a Surveyor to be appointed by His Majesty as aforesaid

This Act has been sent to Great Britain for His Majestys Royal Approbation and Confirmation. it is humbly conceived that if this
act

Act is confirmed it will be very prejudicial to His Majesty's Interest. will be a great hindrance to the settling and strengthening the province of South Carolina and will tend very much to the disquiet of the Inhabitants of the said Province. as will more fully appear in the instances following.

It is to be observed that on these patents the Lords proprietors reserved three several sorts of Rent on some a pepper Corn on others one shilling per hundred Acres and a third sort was at a penny per acre. which rent of a penny per acre is reduced by the abovementioned Act to three shillings and four pence per hundred Acres. Now admitting that a third of the 800 000 Acres are held at a pepper Corn another third at one shilling per hundred Acres and the remaining third at three shillings and four pence per hundred Acres the Annual Rents will not amount to £600 per annum proclamation Money. If the same Quantity of Land was held under the Crown at the Quit Rents now settled they would yield to His Majesty £1600 per annum so that according to this computation the Act takes from the King at least £1000 per annum proclamation Money. And this calculation is made to the disadvantage of the Crown. for much the least part of the patent Lands are held at three and four pence per hundred Acres.

A second very great Inconvenience will arise to the Crown for that the lands taken up and claimed by these patents were never returned or recorded in any public Office whereby it may be certainly known what quantity of Land each patentee holds so that it hath been in the power of the patentee under the colour of his patent to take up an Indefinite number of Acres without discovery and if a proper Inquiry was made it can be

be proved that some of the patentees have sold double the quantity of acres granted by their patents beside what they themselves hold And at other times that they have taken up pine land and when they have worked up all the Light-hood into pitch and tar they have thrown up the pine and taken planting land in the room of it And this Act is artfully calculated to avoid the discovery of these practices by confirming titles to land taken up under patents by the survey of a sworn Surveyor or certified into the Surveyor Generals Office Dis-junctively so that they make use of old Surveys made in the time of the Lords proprietors very often formed from Imperfect field works that have laid by for many years and which they never return into the Surveyor Gen^l Office to be examined and Certified

A third very great Inconveniency will arise from confirming these patents for that the patentees under color of them have run out very large Tracts of Land on the Frontiers near Port Royal and having taken up those lands chiefly between the time of His Majesty's purchase and the arrival of his Governor in Carolina they have secured to themselves the Fronts of the Navigable Rivers and picked out the choicest Lands thinking themselves Absolved from those Rules which are laid down by His Majesty's Instructions to be observed by persons taking up lands under the Crown and by this means new comers are obliged to take up the poor and back lands or to purchase of the patentees at exorbitant prices His Majesty by His Instructions for strengthening the Country has been graciously pleased to direct that no person should have more Land than he is able to cultivate (to wit) Fifty Acres to each

to each person but by confirming these patents His Majesty's Intentions will be defeated several of the patentees holding from Twelve to forty eight Thousand Acres which they have thus ingrossed with no other view than to sell them out at extravagant rates The whole number of patentees are not above thirty persons who by the sale of these Lands will raise very large sums and their private commodity and advantage is preferred by this Act to the prosperity and welfare of the whole province

These misfortune arising from the establishing of these patents is yet more extensive from the sufferings of a number of poor people who have made small settlements and improvements and ventured their lives on the frontiers since the Indian War in expectation of obtaining titles when they were to be granted and now since His Majesty's purchase when they have made their application that they might become Tenants to His Majesty they have found their Lands run out by the patentees either before or since his Majesty's purchase and they cannot for that reason obtain His Majesty's Grants And there are actually now several expositions depending in the Courts of Law brought by the patentees to turn these poor persons out of their possessions to their utter ruin and to the weakening of the frontiers

Note. That it can be made appear ~~and~~ is publicly known that for the reasons above mentioned several persons have actually removed from the parts adjacent to Fort Royal and more are daily removing & if it was not for His Majesty's Independent Company garrisoned there 'tis believed those parts would be entirely deserted All which matters are humbly submitted by

James S. John Survey^r Gen^l of So. Carolina

Rec^d to Sec^y } 1732.
Read to the C^o

159
B. P. R. O. South Carolina B. 2. Vol 5

D. 43

South Carolina

Observations on ye proceedings of y^e Governor
Council and Assembly of So. Carolina concerning
the granting his Maj^{ty} Lands and the payment
of Quit Rents. The copy of the Report of M^r Whitaker
late Attorney General of that Province. With copies
of several Memorials of M^r S^t John and other
papers on the same subject.

Received from M^r S^t John Surveyor General of
ye Land in Carolina

Rec^d 6 Sept } 1732
Read 6 Dec }

*Observations on the proceedings of the Governor Council and Assembly of
the province of South Carolina concerning the granting of His Majesty's
Lands and the payment of his Majesty's Quit Rents*

By an Act of the General Assembly passed on the 20th day of August 1731 for the Remission of Arrears of Rent It is amongst other things enacted that a Memorial of the Original Grants Title deeds &c of all persons holding lands in the said province shall be Registered in the Office of His Majesty's Auditor within eighteen months after the arrival of such Auditor in the province or within eighteen months after the passing the Act

Obs This Clause was intended to furnish his Majesty's Auditor with an account of Lands granted by the late Lords proprietors and with the rents reserved on such Grants to the end that he might be enabled to make a Rent Roll for His Majesty But since the passing this Act the opinion of some part of the Legislature is changed and there is a Bill brought in and now depending before the General Assembly for enlarging the the time of Registering Grants and Title deeds and allowing it to be
See Mr St Johns } done at any time within Eighteen Months after his Majesty's
last Memorial } shall have signified his pleasure for confirmation of the
Act for Remission of Arrears of Rent &c The event or success of this Bill is as yet unknown but it has already had this influence that no person will now Register his Title deeds and it is very uncertain when His Majesty will have a Rent Roll for the Country in General seem to join in the sense of the Bill That if His Majesty will not confirm the abovementioned Act he shall have no Account of the Rents which

is humbly conceived is not a proceeding very grateful or becoming a people so greatly indebted to His Majesty's Bounty and Favor however he hopes his Excellency the Gov^r will not give his Assent that this Bill shall pass into a Law.

The rest of the Act for remission of Arrears of Rent is for establishing & confirming Defective Titles by various ways for laying restraints on His Majesty's officers for making Distresses and for ascertaining and altering the ancient rents reserved.

Obs. The proceedings of the Assembly in these matters are at large examined in the Report of M^r Whitaker late Attorney General an extract whereof attends these Observations This Report shews the Inclinations of the people for it was made upon the Bill on the first reading before there were any Alterations or Amendments made and by comparing the Report with the Act as it now stands it may be perceived how far the Alterations or Amendments that have been made were calculated for the service of the Crown. It appears by a note on M^r Whitakers Report that many of the patents of the Landgraves and Caciques were granted at a pepper Corn Rent but on others there was reserved a penny an acre The proprietors afterwards finding that the people of Carolina grew more fond of acquiring Lands than of any Honors the proprietors could confer they sold these patents to any body that could raise an hundred pounds for the purchase and as the patents and honors too became venal the proprietors to invite purchasers issued an Order that the Rents reserved on such patents for the future should be only three shillings

shillings and four pence of hundred the order follows by which it will appear that the Innuation in the Act cannot be justified.

We having taken into our serious consideration the condition of our Nobility of Carolina have thought fit that Baronys shall pay but Twenty pounds per annum Rent Wherefore you are to pass Grants for one Barony to each of the Landgraves and Cassiques who shall produce to you his patent constituting him Landgrave or Cassique under the Great Seal of our province and the hand of the palatini and three more of the proprietors or that we by our letters signified to you that we have made Landgrave or Cassique for which this shall be your warrant Given under our hands and seals this 13th May 1691 Craven palatini
 @ A. Ashley @ R. Colleton @ J. Amy @ To James Colleton Esq one of the Landgraves of Carolina Paul Gumball Esq and the rest of our Trustees for granting Land.

By this Act it is further provided that where the Original Grant is lost and no Register thereof can be found nor the Quit Rent ascertained by any deed the Quit Rent is settled at 12^d per hundred acres.

From the first settling the province to Gov^r Archdales time 1696 the Lords proprietors reserved a Quit Rent of a penny per hundred Acres Except some few purchases that were made absolutely and only an acknowledgement of an Ear of Indian Corn reserved after that time Lands were granted and a rent of Twelve pence per hundred Acres reserved Now in cases mentioned in the Act it may be doubtful which

which of the rents were reserved this is therefore conceived that the middle way would have been most just to have established the Rent at least at 4^s 2^d per hundred.

The Directions in the Act concerning Distresses make a great part of the Body of the Act.

Obs. From a view of the Clauses of the Act on this head it will appear that this Method prescribed by the Act is very much incumbered as the distress rendered very difficult to the Kings Officers especially considering that a great part of the country is uncultivated and that the Inhabitants are scattered and settled at great distances from one another that there is but one settled Town in the whole province and no regular Markets in any part of it that there are not above two thousand Families of White persons in the whole province and yet their Settlements are extended above two hundred miles along the Sea Coast and above one hundred miles backwards It is further to be considered that the sums to be distained for on particular persons will be but small and if those sums come to be apportioned on the subdivision of Lands it will multiply the trouble of the Kings Officers.

Lands newly granted under his Majesty. his Majesty by his Instructions has been graciously to empower the Governor to grant to every Man Woman or Child black or white Fifty Acres of Land

Obs. This Instruction has been complied with in the Letter and agreeable to the Instructions upwards of six hundred thousand Acres of Land have been taken up as appears by an Account taken from the
several

several Surveys returned into the Surveyor Generals Office If this quantity
 of Land had been granted to a number of persons newly come to settle in
 the Country who had no Lands before the accession of so great a number
 of new Inhabitants as would have been sufficient to cultivate so much
 land would have been a very happy addition to the strength of the
 province but these lands have been granted to the old Inhabitants who
 were before possessed of very large Tracts of Land abundantly more than
 they were able to cultivate And altho tis by the same Instruction directed
 That the Governor shall recommend to the Assembly to pass an Act
 or Acts whereby the Owners of all Lands already granted by the late
 Lords proprietors shall be obliged within a reasonable time to take
 possession and cultivate the Lands by them claimed on penalty of
 forfeiture of such Right of Claim Yet notwithstanding this Instruction
 which his Majestys wisdom has so graciously calculated for the
 strengthening the Country if any recommendation has been made
 the Assembly have made no Attempt or Overture towards such a
 provision and tis with great reason believed they will hardly now
 be prevailed on to pass such a Law since they have made the utmost
 and largest use of the other part of his Majestys Instructions in
 taking up and ingrossing what Lands they could with an apparent
 view of of selling them out at advanced prices to new comers This is
 a very great discouragement to persons who have a mind to settle
 here and tis much feared will in a great measure defeat his Majestys
 most gracious Intentions for it may be affirmed with much truth
 that

that by this means and by the claims under color of the old patents that there is not a thousand acres of Land to be taken up within a hundred miles of Charles Town that is within twenty miles of a River or Creek Navigable for small boats or pirogues Most of the choice and fertile lands lying in the parts adjacent to Port Royal are taken up in vast Tracts and covered by the patents so that some of the poor inhabitants who have continued there since the Indian War seeing their hopes of having the place well settled frustrated by the ingrowing of these large Tracts are withdrawing themselves from their habitations to other parts and is verily believed the place would be entirely abandoned if it was not on account of His Majesty's Independent Company that are Garrisoned there

Amongst the proceedings of the Council it is resolved That all Surveys made of His Majesty's Lands in this province without a Warrant from His Excellency (the Governor) and a deputation from James St John Esq. his Majesty's Surveyor General be void Reserving such as may be valid by the Act made in this province for the Remission of the Arrears of Quit Rent past 20th Aug^r 1763. By the reservation in the Resolution of the Council the Old patentees (whose Titles are made valid by the Act) think themselves absolved from all those Directions which His Majesty's Instructions has commanded to be observed as to the manner of taking up and running out Lands so these patentees being loosed from the Observation of those Rules they take up Lands where in what manner and in what quantity they think fit without having regard to the situation or proportion of profitable or unprofitable Lands or any sort of Order or Regularity in the Survey since no Surveys are returned into the Surveyor General's Office but such as are made by

by virtue of Warrants from the Governor And the reader of Council has engaged the printers from taking out such Warrants they looking upon this Act to be made void by the Act.

Laying out Townships

The Assembly by its Instruction has been pleased to direct that the Governor should with all convenient speed lay out eleven Townships in the province of South Carolina Sixty-Miles from Charles Town on the Banks of Rivers. The Assembly by a Clause in the Act for Remission of Arrears of Land Rents has provided Ten thousand pounds to be annually applied for defraying the charge of laying out these Townships and Importing prisoners and Inhabitants into this province.

On the Governor and Council taking this matter under consideration it was proposed that Commissioners should be appointed to lay out the Townships which gave occasion to the Surveyor General to lay a Memorial before the Governor and Council asserting his right to examine and lay out the Map Lands upon which of which Memos it was resolved "That upon the Surveyor General's returning each plot of every Township of Twenty Thousand Acres he shall lay out as much to be laid out he shall be entitled to one penny per Acre according to Law for each Township to be paid him out of the money appropriated for this purpose as the same shall come pursuant to the Act of Assembly passed the Twelfth day of August last The Surveyor General was about to proceed with all convenient speed to lay out the Townships according to his Map Instructions and the effect of the above resolution of Council. But was interrupted

interrupted by a consultation had in a Committee of the Assembly wherein it was determined that the laying out the Townships should be deferred and that a plan (as the Assembly are pleased to term it) of the said Townships should be made by Commissioners to be approved by the Governor and should be a Rule to the Surveyor General to lay out Lots by. The Reasons given by the Committee in their Report for deferring the laying out the Townships are as follows Viz^d 1. That it is uncertain when the people may arrive to inhabit 2. That it will be time enough to lay out the Lots when the Inhabitants arrive 3. That the Surveyor Generals demand of a penny Race is so large a sum that the Country cannot bear the charge. 4. That if the Towns were now to be run out it must be done again in three years the marks being so perishable. How plausible soever their objection may be of deferring the laying out the Towns till the arrival of the Inhabitants there is something very weak and Disingenuous in the last objection that the marks are so perishable that it will ^{have} ~~be~~ to be done again in three years when it is well known that there are many lines in this province which have been run out and marked these forty Years are yet fair and visible and can be easily on Re Surveys nor can it be supposed that the Lines to be made by the Commissioners will be more durable or permanent than if the work had been done by the Surveyor General or his Deputies. It is insinuated in the Report as if the sum to be paid to the Surveyor General was exorbitant and too great a burthen for the province to bear altho it appears by the Resolutions of the Council that the sum is no more than is by Law established but if there was anything in the affair that was burdensome

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Obs. The Governor and Council taking this matter under consideration it was proposed that Commissioners should be appointed to lay out the Townships which gave occasion to the Surveyor General to lay a Memorial before the Governor and Council asserting his right to admeasure and lay out His Majestys Lands upon debate of which Memorial it was resolved "That upon the Surveyor General's returning each plot of every Township of Twenty Thousand Acres he shall lay out or cause to be laid out he shall be intitled to one penny per Acre according to Law for each Township to be paid him out of the Money appropriated for this purpose as the same shall arise pursuant to the Act of Assembly Passed the Twentieth day of August last The Surveyor General was about to proceed with all convenient speed to lay out the Town-ships according to His Majestys Instructions and the effect of the above resolution of Council. But was interrupted

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or inconvenient it is conceived that it would have been a proceeding more candid and generous if the Assembly had treated with the Surveyor Gen^l and had been informed from him what were his utmost demands before they took the business out of his hands. But the Governor without giving him any manner of notice has given his Chief Justice and the rest of his Council two hundred pounds a piece to admeasure fix and determine the outlines and situation of the Townships and by this artifice has deprived the Surveyor General of the profits of one of the most beneficial branches of his Office.

There is a Bill that passed the Assembly for reducing the Surveyor Gen^l's fees by dividing the Ancient fee of one penny p^r Acre Established by Law between the Surveyor General and his deputies obliging them to run out his Maps Lands according to the directions of the intended Act and injoining an Oath for that purpose and in case of failure subjecting the Surveyor General to the penalty of two hundred pounds proclamation money Ob^s. This is calculated to distress the Surveyor General and to make his office cheap and mean as is endeavored to be shewn at large in M^r S^t John's Memorial to the Governor and Council against passing this Bill the Bill plainly aims to make the Surveyor General a perfect creature of the of the Assembly since he is bound by oath and penalty to follow their directions. If any person has but fifty Acres of land to be admeasured one hundred Miles distant from Charles Town the Surveyor General is obliged to cause it to be done for the trifling consideration of nine shillings and six pence sterling tho it will cost him ten times the
sum

sum for him or his Deputy to travel to the place for which they are to take no
Reward under the penalty of two hundred pounds proclamation money and
by this means the Surveyor General and his Deputy will be continually exposed
to prosecutions and penalties to their constant disquiet if not to their utter ruin

The Report of W. Whitaker
late Attorney General since
superceeded

To His His Excellency Robert Johnson Esq
Governor &c of South Carolina

May it please Your Excellency In obedience to your Excellency commands
I have considered the Bill now depending before the General Assembly for Re-
mission of Arrears of Quit Rents Registering patents Grants and Title deeds &
for the better regulating the payment of His Majesty's Quit Rents &c and have
examined how far the said Bill if past into an Act may in point of Law
affect His Majesty's Royal Prerogative or his Rights and Revenue

Before I enter into the consideration of the particular Clauses of this
I must beg leave to make some general Observations on the subject matter
of the said Bill

I humbly conceive that the intention and design of this Bill is to
secure to his Majesty the just payment of his Quit Rents and to establish and
confirm to the Inhabitants of this province the Titles which they have to their Lands
either in Law or Equity not to deprive or take away from His Majesty any just
Right which he may have or claim by virtue of the surrender of the late Lords
proprietors and of the act of parliament that was made to establish the same
Not to give or confer any right or Title to any person to Lands who had no
Right either in Law or Equity before the passing the said Act of parliament
or to make any other provision in these respects than to supply the defects
of such Titles as are imperfect thro' Omissions or mistakes in the Forms of
Law or have become so by accident or casually in such manner as the
Rules of Natural Justice and Equity require.

The

The Act of Parliament lately passed in Great Britain has settled & vested in his Majesty not only the right and title which seven of the late Lords proprietors had in seven Eighths of this province but also the said seven Lords proprietors Right to all forfeited Land Rent services Signiority and Rights of Escheat reserved upon or incident thereto And therefore I presume his very far from the Intention of the Bill to divest or take away any of the Rights which are settled and vested in his Majesty by the Authority of the Parliament of Great Britain as the Legislature here must be very sensible how impracticable and unsuccessful such an attempt must prove

These things being premised I am next to consider the particular clauses of this Bill or such of them as may affect his Majestys prerogative his Rights or Revenue In fol: 3. 4. 5. 6 provision is made for Registering of Original patents and Grants and of the last Memo Conveyance in the hands of the party in possession As the Method presented here is almost a Transcript of the Stat. 21 3 Anne Cap. 14 for enrolling of deeds in the West Riding of Yorkshire I have no objection to it but as the not pursuing this Method will create a forfeiture it is worthy consideration that if it should happen the last Memo conveyance should be in the hands of one person And the Original Grant in the hands of another (which is a case that may often fall out) what savings shall be allowed and what provisions may be made in that respect

The order mentioned fol 6. appears to me to be a Direction to the Trustees appointed by the late Lords proprietors for granting of Lands for the future to grant Lands to the Landgraves and Caciques at twenty pounds

pounds per annum Quit Rent for each Barony of Twelve thousand Acres But I think this order cant exempt any lands where there is a greater or other Rent reserved in the Grant and that this Order cannot operate so as to suspend extinguish or diminish the Rent reserved on former or other Grants

Sol. ¶ that the Auditor (Officer) shall reside in Charles Town and give constant and due attendance from Nine till Twelve and from Two till Five and shall register all Grants and Memorials without Fee or Reward in my humble opinion is a Clause of a new and very extraordinary nature. In § 8 it is directed that His Majestys Quit Rents shall be paid in Proclamation Money or the value in this Currency according to the course of Exchange at the day they shall become due or in Months after The King is entitled to His Rents by virtue of the reservation of the Grant but this Clause will introduce an inconsistency both with regard to the time and manner of payment and according to the scheme of the Bill when the Kings Bailiff on a distress made comes to justify for Rent arrear it will confuse and perplex the pleadings and render it difficult for the King to obtain his Right The Rents of Lands granted are limited by the Kings Instructions but this Bill aims at Binding the King to all futurity that he shall grant at the same rate

To the clause concerning Titles lost by Fire or other accident may be added the proviso or Saving § 10. I am humbly of opinion that persons who have by Casualty lost their Title Deeds are proper objects of Relief But to do equal Justice between the King and the Subject some Court of Judicature should be invested with a power
to

to determine these sort of claims and then there will be no occasion to establish a new Rent for at the same time that the party makes it appear that he once had a Grant it will be easy to shew what were the conditions of such Grant. But it is submitted how far a man may establish his title against the King by his own Oath and three years possession should not be understood here to require such strict proof as would become an invincible obstacle against the party obtaining the intended Relief Where there has really been a Grant its not very difficult to discover some footsteps of it often by the recital in the Mesne Conveyances which in some is allowed as Evidence of Ancient Deeds in Courts of Law

The time for Registering deeds is also submitted but the limitations respecting Minors and other persons under civil incapacities I conceive should relate to the time their deeds come to their hands or else they may be left obnoxious to the Frauds of Corrupt guardians and Trustees who may suppress or conceal such deeds till the Limitation is expired on purpose to procure Titles to themselves If such Guardians and Trustees were laid under severe penalties if they neglect to Register such Grants during the Minority or other incapacity of those for whom they are concerned it might prove a means to prevent fraudulent practices of that nature.

There seems to be an omission in the saving cl 10 to persons who may be in the parts beyond the seas other than Great Britain

I apprehend that the Bill is only designed to determine and establish the right between the King and the Subject and not between party

party and party and therefore the clause towards the end of pl. 10. ought to extend only to lost patents and Grants from the late Lords proprietors. For if the King has his Rents from the person in possession it concerns not the King whether the person has lost any of his title deeds by which he claims a Right to such possession and as this matter only rests between party and party it ought to be left to the Course of the Common Law. The Laws in being are sufficient to determine matters of private property. But I conceive this Bill is of so large an extent that it is not easy to foresee the consequences I am afraid many persons may be excluded from their just right more especially if the entries in the Secretary's and Register's offices shall be deemed good evidence many defective Wills & Conveyances may be established to the prejudice of those who have just Titles for whoever looks with attention over the Books of those Offices which in Common speaking are called Records will observe that heretofore there has been very little caution used and that even the common proofs of the Execution of Deeds have not been required and that the Entries have been so very loosely and irregularly made that they deserve not the name of Records nor ought they to be received as a Testimony in any Case whatsoever.

The latter part of pl. 11 (towards the end) and the beginning of pl. 12 will operate by way of limitation between private persons and ~~we~~ therefore I think it is improper in this Bill and is foreign to the nature of it. As to the Clauses pl. 12 & 13 to what I have said concerning the Reservation in the Grant I shall add some further Remarks towards the close of this Report.

In pls. 14. 15. 16. 17. 18. 19 are comprised the several clauses which
direct

direct the manner of Recovery and distress for his Majesty's Rents and in case of severance of the Tenure that the Rent shall be apportioned. These Clauses are an abridgement and Restraint of the prerogative and the King in some respects is put in a much worse condition than a common person as may be easily discovered by taking a short view how the Law stands in these particulars. The King may distrain in any of the Lands of his Tenants

In the Statute of Marlbrough Cap 15 where it is forbidden that distresses shall be taken in the Highway. Distresses taken by the King and his Ministers are expressly excepted And it has always been holden that the King by construction of Law is excepted out of the other parts of that Statute as well as the subsequent Statutes concerning distresses which provide that no distress shall be drove out of the County & the Reason of such exception is obvious if we consider that no Replevin lies against the King.

By the Stat. 51 H. 3. De districtione Scaccarii none shall be distrained by his Beasts that manure his Land or his Sheep but until another sufficient distress or Chattels be found. From whence it appears there was not a total exemption as this Bill endeavors. By the Stat. 2 H. 1 & Mary Corn in the Sheaf may be distrained and detained and the reason why it may is in that Statute sufficiently declared.

The clause in the Bill which obliges the Kings Officer to apply to a Justice of the peace to recover the Kings rents under four pounds proclamation Money will almost totally take away the Kings power of distress none who have less than two thousand acres of Land
by

By the King's Grant or eight thousand Acres under the proprietors will be liable to distress and this method of applying to a Justice of the peace will lay the King's officer under unspeakable troubles and difficulties and will certainly tend to the diminution of His Majesty's Revenue

The Bill also provides that when Lands are granted and the Tenure is afterwards severed by the Act of the Grantee the Rent shall be apportioned and the original Grantee discharged. I think this Clause unreasonable that the King should be prejudiced by the Act of the Grantee. The King has a right to make a Distress on any part of the Land and if a Distress is made for the whole or any particular Tenant such Tenant may have contribution from him who holds the other part of the Land but the King ought not to be drove to make several distresses or to follow the person of the Grantee

In pt. 21 there is a provision made that the Offices of Secretary and Register shall not be joined in one and the same person. It may possibly be agreeable to prudence and may prevent some confusions & inconveniences which have formerly happened if those Offices are kept distinct and separate. But I think the Legislature here can't restrain the King from Granting those two Offices to one and the same person if it shall be his Royal Will and pleasure so to do

The Clauses 22. 23. 24 & 25 contain a very general and comprehensive Clause but as it is a Rule in Exposition that the preamble shows the Intention and meaning of the Law makers tis hoped that this Clause will be confined to such defects only as are mentioned in the Introduction to it. I think the words towards the Close in folio 25 according to the several

several Tenours (Tenures) in such original patents &c respectively mentioned and expressed may admit of this small alteration viz^t for such Estates as by the said patents &c^a are Granted and conveyed for his presumed they ought to have no greater or other Estates

The long and most comprehensive & Ten Obstant to this Clause in annexed and inserted in Dols 26. 27. 28 I humbly conceive is of a very extraordinary nature It will take away from His Majesty that right which is vested in him by the late Act of Parliament and is setting up a Title to the prejudice of the Crown in those persons who have no Right or pretence of Right either in Law or Equity and is introduced into the Bill and founded on a Misrepresentation of the matter of Fact viz^t That some disputes of this nature having been settled in a Court of Equity in favor of persons purchasing under such Grants since his Majesty has been Graciously pleased to take this Government provisionally into his hands great numbers of poor persons have purchased small Tracts of Land in the out parts of this Settlement and made Improvements thereon resting satisfied under such Decree in Equity I must beg leave to represent this matter in its proper and genuine light

A Bill in Chancery was preferred by Samuel Rusco Hanter ag^t Alexander French Gent praying an Injunction to stop a suit at the Common Law brought on a Bond entered into by the Complainant being the consideration for the purchase of a Tract of Six hundred Acres of Land from the said French and praying to be retained
against

against the said Bond. The equity suggested in the Bill (amongst other things) was to this Effect viz^t That the defendant French had no right or Authority to sell the aforesaid Tract of Five hundred Acres of Land for that he acted under a Letter of Attorney from one John Bailey of Ballenough in the County of Tipperary in the Kingdom of Ireland Esq. son and heir of John Bailey late of the same place Esq. to whom the late Lords proprietors by patent bearing date the 16th day of August 1698 granted the Honor Title and Dignity of Landgrave of the province of South Carolina together with forty eight thousand Acres of Land in the said province To hold the said honour Title and Dignity together with the said forty eight thousand Acres of Land unto the said John Bailey (the elder) his Heirs and Assigns for ever according to the tenor of their Fundamental Constitutions. That the Grant to John Bailey (the Father) as to the forty eight thousand acres of Land therein supposed to be granted of which the five hundred acres of Land in the Bill was reckoned and pretended by the said French to be part contained no certainty that the same was circumscribed by no me^{as}ures or bounds nor any place mentioned where the said Lands were situate but only in general Terms in the province of South Carolina which was so uncertain that nothing thereby did pass to John Bailey (the father) the original patentee but only a power or posse to have such a quantity of Land granted to him if they could be found and thereto be ascertained by particular Grants thereof to be made by the late Lords proprietors or their Deputies when the same could be discovered and surveyed to the said John Bailey (the father)

Father) as had always been the custom of the province and was grounded on
 a known Maxim in the Law Quod certare deducatur in donatum quod
 incerte rei nulla est donatio And for further Equity the Bill suggested That
 John Bailey the Father not dying seized of any part of the said forty eight
 thousand Acres of Land or the said five hundred Acres of Land as part
 being no ways ascertained to the said John Bailey the Father in his life
 time they never did or could pass to John Bailey the son And that the
 said John Bailey the son never being actually seized or actually possessed
 of the said forty eight thousand Acres of Land or of the said five hundred
 Acres as part thereof he could not grant the same to the Defend' French
 The Bill further set forth That if the said Lands so uncertainly granted
 by the Lords proprietors to the said John Bailey the Father had been
 afterwards reduced into any certainty Yet it appeared by the said
 Grant itself that the said Lands were granted and to be held and
 so agreed to be accepted and held by the said John Bailey the Father
 under certain Limitations and Restrictions contained in certain in
 Fundamental Constitutions made and agreed between the said
 Lords proprietors and those claiming Lands under such patents
 respectively whereby the Lands so granted were not alienable in Fee
 to any other person but were to remain in the said Bailey the father
 and his heirs for the support and maintenance of the said Office
 honor and dignity so granted to them and inseparably annexed to
 the Lands so granted with liberty only for the said John Bailey the
 Father and his heirs to grant Leases for three Lives or one and
 thirty

thirty years at farthest as appears by the habendum in the said Grant

On this Bill never any process was issued nor was there ever so much as an appearance entered for the defendant but on a Motion for an Injunction the Court of Chancery past the order which follows viz:

At a Court of Chancery held at the Council Chamber at Charles Town on Friday the 12th of August 1726 and in the 13th Year of His Majesty's Reign according to adjournment

Present The Hon Arthur Middleton Esq^r of His Majesty's
 H^{on} Bull. Alex Skene } Council for Executing
 J. Kinloch Chas Hart } the office of the
 Benjamⁿ Schenkingh } Chancellor
 Benjⁿ de La Consoillere

Between Samuel Ruscoe Compl^t and
 Alex^r French Defend^t }

The Court having duly weighed and considered of the several matters contained in the plaintiffs Bill as having read and considered on the power of Attorney given to M^r French the Defen^d And his patents being likewise laid before the Court they have thought fit to make this their Decree as follows viz: Upon full hearing of a cause in this Court of Chancery between Samuel Ruscoe Compl^t & Alexander French Def^t It is Ordered and directed by the said Court That whereas the Right Hon^{ble} John Earl of Bath patronize also the said Earl of Bath for the Lord Carteret, Thomas Arny H^{on} Thornburgh for S^r John Colleton have by Letters patents under their hands and the Great Seal of this province

province dated the 16th day of August in the year of our Lord 1698 given &
 Granted unto John Bailey of Ballenclough in the Kingdom of Ireland
 Esq. Forty eight thousand Acres of Land in this province with the con-
 dition of Yielding and paying unto the Lords proprietors the yearly
 Rent of Twelve pence per hundred acres sterling money of Great Britain
 And whereas John Bailey Esq. Son and Heir of the aforesaid John Bailey
 deceased hath lawfully empowered and authorized Alex^r French now of
 this province to take up sell and dispose of Forty thousand Acres of land
 part of the above forty eight thousand acres as will more fully appear
 by the power of Attorney from the said John Bailey to the said Alexan^r
 French Recorded in the Registers Office of this province the 21st Dec^r 1724
 That the Title made to the said Sam^l Ruscoe by the said Alex^r French
 to the Five hundred Acres of land part of the above Forty eight thousand
 is a good and valid Title It is likewise the unanimous opinion of this
 Court that all other persons purchasing from the said patent and
 according to the said power and upon the same conditions have a
 good and firm Title to all Lands so purchased by them This Court
 seeing no Cause to Grant an Injunction the Bill is therefore dismissed

It is likewise ordered by this Court that all the plots of such
 lands as by Alexander French have been or shall be sold or taken
 up and conveyed to any persons pursuant to the patent he hath
 granted by the Lords proprietors to John Bailey of Ballenclough in
 the Kingdom of Ireland Esq. shall be returned to and certified by
 the Surveyor General of this province And that the Surveyor shall
 from

from time to time return a list of the said plots into the Secretaries Office to be recorded to the end that it may be known when the full quantity of Land Granted by the said Patent is taken up. J. Skene Reg^r

Whoever peruses this order will discover that it is very far from settling the matter in Question that it is not binding or conclusive to the parties to the Suit and much less to any other person whatsoever that the Merits of this Cause are yet without any Judicial determination and that the Complainant is at Liberty to proceed whenever he thinks fit notwithstanding the Injunction was denied. But it is an opinion not to be tolerated that an order so uncommon irregular and without precedent should be imagined to have any influence or effect so as to conclude His Majesty from his just Right vested in him by the late Act of parliament confirming and establishing the surrender of the late Lords proprietors

As to the suggestion that great numbers of poor persons have purchased small Tracts of Lands in the Out parts of this Settlement and have made improvements thereon resting satisfied under such a Deceit in Equity His most Notorious that long before the making of the above Order (in the Bill called a Decree) these old patents were set up and became a common device to get possession of vacant lands to the prejudice of the late Lords proprietors and now of His Majesty And tis as well known that very great Tracts of Land are possessed under that device and that the poor people in the Out parts have had the smallest share in this practice Therefore I humbly conceive

conclude that persons who hold lands under this device and pretence are to be looked upon as intruders into the Kings Lands and ought to have no countenance or encouragement from the General assembly.

Vote 31. 32 I think that persons who have honestly and bona fide paid their purchase money to the late Lords proprietors Receiver General ought to have their titles confirmed in the best and securest manner the Legislature can provide for they have already an Equitable Right and such an one as in a Case between private persons a Court of Equity would perfect and establish.

I have now gone through the branches of this Bill that most materially relate to His Majestys prerogative or Revenue and have endeavoured to shew wherein the Bill is inconsistent with or contrary to the Laws of England or prejudicial to His Majestys interest. I have by the way hinted at some things which might prove detrimental to the right of the Subject I must beg leave further to observe in General that the Court of Exchequer in England has the care and preservation as well as the determination of disputes and causes which concern his Majestys Right Revenue That there is no such Court in this province or any other Court that is invested with an equivalent power or is there any other sufficient provision made in this respect and therefore a failure of Justice & many inconveniencies must often happen I have made this remark not only for the reasons aforementioned but because if there had been a Court of Exchequer in this province I apprehend it would have been the securest way both for the King and the Subject to have paid his Majestys Rent at the Receipt of the Exchequer for then it would
appear

appear on Record that the Rents had been paid and the subject would have been discharged by Record and this method would also have supplied a great defect and very material omission in the Bill now under consideration. There is no provision made in the Bill if those who hold Lands of the King let them lie fresh and no distress can be found how the King shall come by his Rent. By the Stat of Gloucester Cap 4. and Westm. 2 Cap 21. If the Tenant ceased to pay his Rent in two years let the Land lie fresh and no distress could be found the Lord should have a Cessavit By which He should recover the Land if the Tenant did not come before Judgement and pay the Arrearages & damages and give security to pay what after should become due. There is the same Law in the Kings case on an Office found. But if the King leases land rendering rent payable at the Receipt of the Exchequer and there is a proviso that the Lease shall be void on non payment of Rent the Lease is void without Office found because it appears on Record that the Rent was not paid and the Lease was forfeited. Therefore it would be reasonable to provide that if the Kings rent should remain unpaid for the space of ~~and~~ and no Distress can be found that the King shall enter and become Seized without Office found.

These may it please Your Excellency are the objections against the Bill depending which have occurred to me during the very short time that has been allowed me to consider of it. They are objections that arise from the Law as I conceive it now stands and which it is my duty to represent in the most clear and faithful light according to the
best

best of my capacity and understanding. If the Titles or possessions of any of the Inhabitants of this province are affected by what is here said it is to be considered that tis the Law that governs and directs that I have no room left to cherish any peculiar Inclinations or if I had any I must not be biased by them that a Man who does his duty is under inexorable Obligations & that he must speak Impartial truth at all events what Alterations or provisions may be made by future Laws are considerations proper for the wisdom of the General Assembly and is not in my province to determine If what I have said may any ways conduce to His Majesty's Service and meet with your Excellency's Approbation my design is answered and the whole is humbly submitted by

Your Excellency's most obedient and
most humble Servant
Benj^d Whitaker

Charles Town
March 1st/30

To his Excellency Robert Johnson Esq/ Governor &c in and over his
Majesty province of South Carolina

The Memorial of James S^r John Esq/ his Majesty Surveyor General

In obedience to the commands of your Excy & his Majesty Council to me yesterday
I have considered of the message sent from the Commons House of Assembly relating
to my appointing my deputies to be general Surveyors in any part of the province
whereas they are at present confined to their respective Districts

The reason that induced me to confine them (and which was the unanimous
opinion of Your Excy and his Majesty Council) was to prevent their running
into one anothers works as was complained they had too frequently done
and it was thought that if only three or four were employed in a County
they would be better acquainted with each others Surveys and thereby
prevent the confusion complained of which being then thought a good
Reason I presume is so still

But as the Method I took of directing my precepts to a particular Sur-
veyor in a particular County is complained of and I must acknowledge
is attended with Inconveniencies I have for some time past directed them
in the words following "To any lawful Deputy Surveyor for the province of
South Carolina within their several districts" so that the precept may now
be carried into any County and from one Surveyor unto another until
the whole warrant be completed

This method I flatter myself Your Excy will approve of for my part
I have nothing in view further than to form his Majesty service with
the greatest dispatch and ease to the subject but at the same time to
preserve

preserve some Method in My Office so that I may be enabled to render an account of the Lands disposed of or made out by me in the most easy and concise method and from thence to form a Rent Roll for his Majesty as I am directed and not to run into the confusion of former times in which I doubt not of the assistance and Countenance of your Excellency and his Majesty's Honorable Council and beg you will excuse me

Your Excellency

Most obed^t humble servant

Jas^s St John Surveys Gen^l

To his Excellency Robert Johnson Esq. his Majesty's Capt^l General
Governor &c in and over His Majesty's Province of South Carolina

The Memorial of James S^t John Esq. his Majesty's Surveyor General
May it please your Excellency

I am informed that there are two Bills depending before His
Majesty's Council pursuant to the late Act whereby His Majesty is to have an
account of his Quit Rents and the other for diminishing the Fees of my Office

As I am entirely unacquainted with the nature or tendency of these
Bills and as they may very greatly affect His Majesty's Rights and Revenues
in this Province which by His Majesty's Commission I am appointed
and authorised to inspect I beseech your Excellency to give the proper
orders that I may have the Copies of the said Bills and that I may
have a convenient time allowed me to consider of the same and
consult with and be heard by Council and as the matter is of great
importance to His Majesty's service I hope your Excellency will not think
fourteen days too long to consider of a matter of so extensive a consequence

I am, Your Excellency's

Most obedient and humble Servant

Jas S^t John. Survey^r Gen^l

N.B. The Surveyor Gen^l could never obtain a copy of the Bill for
drawing the rendering an account of Lands

To his Excellency Robert Johnson Esq. his Majesty's Captain General and Governor in Chief in and over His Majesty's Province of South Carolina And to the Honorable the Members of His Majesty's Council

The Memorial of James S. John Esq. His Majesty's Surveyor General and Auditor of his Majesty's Province of South Carolina

Sheweth That your Memorialist by your Excell^y favour has obtained a Copy of a Bill now under consideration of the General Assembly to ascertain the Fees of the Surveyor General for the time being and his Deputies and to prevent any irregularities being committed in the office of the said Surveyor General or by any of His Deputies and for repealing the several acts therein mentioned Whereby (amongst other things) His Majesty is prayed that it may be enacted that the Surveyor General for the time being shall not directly or indirectly have receive take or demand any sum of Money Fee or Reward for any business matter or thing done by him or his Deputies relating to his Office other than so much and such as are in the Table of Fees hereunto annexed particularly set down limited and appointed upon pain that the Surveyor General for the time being shall forfeit one shilling Current Money for every penny proclamation Money that he shall take and receive over and above what is mentioned in the said Table of Fees for any business matter or thing done by him or His Deputy relating to his said Office one Moiety of the said forfeiture to His Majesty for the use of the poor of the Parish of St. Phillips's Charles Town to be paid to the Churchwardens thereof for the time being and the other Moiety to the party grieved or to him or them that will sue with full Costs of suit

suit for the same And it is further prayed to be Enacted That the Surveyor Gen^l
 for the time being shall not directly or indirectly receive any sum or sums of
 money for any other articles or charges that he may contrive or invent for any
 business matter or thing which he or his deputies or any other person or persons
 acting by or under him or them may do or perform in his said office save
 what are mentioned in the Table of Fees hereunto annexed. And Whereas
 for thirty years past it hath been usual to pay the Deputy Surveyor who
 surveys the Land one Mowty for his trouble and pains in surveying It
 is further prayed to be Enacted that the said Surveyor General shall pay
 and satisfy out of his own Fees that is to say the sum of two pence Cur^t
 money p^{er} acre for running out Lands in this province and the Deputies
 of the said Surveyor General shall and may and they are hereby auth-
 orized & Impowered from time to time to receive to their Respective
 uses out of the said sum of four pence p^{er} acre the said sum of two pence
 p^{er} acre Current money for any lands they shall run out for any person or
 persons whatsoever and no more And a receipt for the said sum of two
 pence p^{er} acre given under the hand of any of the said Deputy shall be a
 good discharge in Law to the person or persons to whom the same
 shall be given against the said Surveyor General his heirs Executors &
 Admors and shall and may be given in Evidence on the general
 Issue in any Action or suit in any Court of this province any Law
 Custom or usage to the contrary thereof in any wise notwithstanding
 And it is further prayed to be Enacted that the said Surveyor
 General within one Month after the Ratification of this Act and
 every

every Surveyor General hereafter to be appointed for this province before he or they take upon him or them the Execution of his or their Office shall Record in the Secretaries Office of this province his Commission for the said Office together with his Instructions on pain of the Forfeiture of Two hundred pounds proclamation money one half to His Majesty and the other half to him or them that will sue for the same to be recovered with full costs of Suit in any Court of us Record in this province by Action of Debt Bill Pleaint or Information wherein no Wager of Law Exorign privilege or protection shall be allowed or any more than one imparlance And it is further prayed to be Enacted That the said Surveyor General within one month after the Ratification of this Act and the Surveyor General for the time being before he enter upon the Execution of his said Office shall take the following oath "I A B do swear that I will according to the best of my skill and knowledge faithfully execute my Office of Surveyor General according to the directions of an Act to ascertain the Fees of the Surveyor General for the time being and his Deputy to prevent any irregularities being committed in the Office of the Surveyor General or by any of his Deputy and that I will not postpone executing any Warrants or give any undue preference unto any person or persons whatsoever for favor or affection or any other account whatsoever So help me God" and all the deputy Surveyors appointed or to be appointed by the said Surveyor General shall take the same Oath Mutatis Mutandis And it is further prayed to be Enacted that all and every the Deputy Surveyors within one month after the taking of the said oath of office shall Record in the

the Secretarup Office of this province the Instructions which they have received from the Surveyor General within one month after they shall receive the same upon pain that every Deputy Surveyor for every offence shall forfeit the sum of Fifty pounds proclamation Money to him or them that will sue for the same to be recovered with full Costs of Suit in any Court of Record in this province by Action of Debt Bill plaint or Information wherein no Wager of Law Privilege or Protection shall be allowed or any more than one imparlance And it is further prayed to be Enacted that if any of the Deputy Surveyors shall directly or indirectly receive or take any sum or sums of Money for running out any land in this province or for any other business in the Execution of their Office more than is hereby limited and appointed that then such Deputy Surveyor so taking and receiving the same shall forfeit the sum of one shilling Current money for every penny Current Money that he shall so receive and take to be recovered by such person and in such manner as the first forfeiture mentioned in this Act as by the said Bill passed the Lower House of Assembly and now depending before your Excellency and Honors for your concurrence more at large appears Your Memorialist should think himself very happy if he could be silent on the present occasion and begs leave to assure Your Excellency and Honors that the subject matter of this Bill and the proceedings of the assembly had no further extent than to deprive Your Memorialist of his own private Right he should much more easily acquiesce But Your Memorialist is obliged to consider that he is a sworn Officer of the Crown and that at all events he must do
his

do his Duty and maintain the Rights and privileges of his Office not merely for the sake of the Benefits which he or his Successors receive but that those who execute this Office may have such an honorable support as may enable them to discharge their duty to the Crown and not be influenced from any private distress ignominiously to betray the Trust reposed in them and give up and connive at the invasion of His Majesty's Rights This may it please Your Excellency and Honors Your Memorialist conceived to be his Duty and if from an open and unshaken Zeal to persevere in this way he is become disagreeable or obnoxious to personal prejudices he can only say he is unfortunate but his no small satisfaction to him when he reflects he may rest assured that he can incur no censure from Your Excellency's honors on this Account

Your Memorialist from a perusal of all the public Acts made since this Province was first settled relating to this Office perceives that the Surveyor General has been allowed a penny sterling per Acre for running out Lands besides other perquisites and advantages and when from the uncertainty of the value of Money in America her late Majesty Queen Anne fixed the same at a certain rate and when Money came to be what is commonly called Proclamation Money tho' the penny was then reduced about Twenty per Cent Yet the Surveyor Generals Decree never received any other diminution And Your Memorialist is well informed that some Gentlemen in the same Office have received the penny sterling at the full Exchange without blame or censure Your Memorialist from a view and consideration of these things is not a little surprised that the first Officer of this kind His Majesty

Majesty has been pleased to send hither and has intrusted with the peculiar care of his Interests and Revenue should meet with a Treatment so far different from all those who went before him and that for Sixty Years which this Dec has been established Your Memorialist should meet with the first Instance of its being denied

Your Memorialist finds himself obliged to insist that it is the well known and undoubted Right of every principal to agree with his substitute for the Reward or Consideration that is to be given or received for transacting the Affairs or doing the Business of the principal that it is matter of private contract in which the public are not concerned and therefore the public never interpose And this Your Memorialist has reason to think has been the sense of the Legislature of this Country from their first Establishment since there is no public Act nor Record to be found where this Right was ever questioned till the present Assembly (as far as in them lies) have resolved to make a present of one half of your Memorialist's Decs to his deputies without ever giving him an opportunity to try whether he could his business done at an easier rate. Your Memorialist can't help thinking he should be blameable for his silence if he should pass without notice the peculiar manner in which the Dec is intended to be settled The Assembly have been pleased to allow Your Memorialist a penny proclamation money but at the same time direct that he shall take no more than four pence in the paper currency when it is notoriously known and by the public Acts confessed that a penny proclamation money is

is worth at least five pence in the paper currency and has been so established in paying the Reverend the Clergy and that in other public Allowances the Sterling Exchange has been settled at seven for one

Your Memorialist is induced to think that the intended diminution of his profits of the Office is the more severe in his particular case because he can without boasting aver that he keeps an office in a more regular manner and is at a greater expense in keeping and employing Clerks and giving a constant and regular attendance in Charles Town than any of his predecessors in the said Office And whatever the present perquisites may be Your Mem^d has great reason to believe that in a short time when some eager desires are satisfied the profits of his Office upon the new scheme will hardly defray his house rent.

Your Memorialist is further in duty bound to observe that the Soil of the province of South Carolina is part of the Demerits of the Crown and that his Majesty purchased the same for a very great and valuable a Consideration and that his Majesty's Lands are to be disposed of here of his Majesty's free Grant and of his mere good Will and pleasure independent of any other power or Authority whatsoever And that the whole right of directing and appointing the manner of laying out as well as the settling the Conditions in granting such Lands are absolutely and independent^{ly} in his Majesty Your Memorialist from this consideration conceives it to be an attempt of an unusual and extraordinary nature for the Assembly to prescribe Rules to His Majesty as to the Manner and direction of laying out lands or to oblige

oblige his Office to Record his Instructions and much more to compel him to take an Oath to execute his Office according to the directions & prescriptions of an Act passed here when its more than probable that those directions are or may be incompatible and inconsistent with the Instructions the Office hath received or shall hereafter receive from His Majesty which Instructions he is sworn to follow and by which also he is to be guided and determined If this either is or shall happen to be your Memorialists Case for its impossible for him to foresee what the princely Wisdom may ordain for his Direction he will be involved in a dilemma from which no prudence or address can disengage him

Your Memorialist is unwilling to detain Your Excellency & Honours with Instances of the singularity of his Case which is so obvious and apparent Nor can he imagine that in the short time he has been in this Province he can be singly included within the View of these proceedings because this Bill is attended by another to defer the rendering to His Majesty a just account of his Rents without laying his Majesty under conditions and Anticipating his Royal Will & pleasure to be signified on the Act already passed Here may it please Your Excellency and Honours is a large field for Observation; But as your Memorialist has the greatest deference and regard to the proceedings of the Legislature he forbears enlarging on this subject.

Your Memorialist has thought it a duty Incumbent to lay these matters before Your Excellency and Honours in the most faithful true as he is well assured of your Excellency & Honours Constant
inclinat^{ns}

inclinations to do everything that may advance his Majesty's Interest &
service he cannot doubt of your Excellency and Honors countenance
and protection of His Officers in their just Rights and privileges and
above all that the Attempts and proceedings that your Memorialist has
taken the liberty to lay before you are of too extensive a consequence
to pass your Excellency and Honors discernment and observation

Your Excellency and Honors most obedient

Humble Servant

Jas. St. John Surveyr General

Resolves of Council

That the Surveyor General do not lay out any Lands but by a Warrant directed to him by his Excellency the Governor and that he take care that one fourth part only be on a Navigable River unless the situation of the Land necessarily require it to be otherwise

That a copy of His Majestys Instructions relating to the laying out Lands in this province be given to His Majtys Surveyor Gen^l and that he be directed to cause the Townships to be laid out as soon as possible and give directions to his several Deputies that they do not admitture and lay out any lands for any person whatsoever within the Limits of the said Townships

Resolved that all surveys made of His Majtys Lands in this province without a Warrant for His Execy and a deputation from James S^r John Esq^r his Majtys Surveyor Gen^l be void reserving such as may be valid by the Act made in this province for the remission of the Arrears of Quit Rent passed y^e 20th August last

That when a Survey is returned the Owner shall take up his Grant in 30 days and in case of neglect or refusal the Land to be granted to any other person applying for the same

That his Excellency the Governor will grant Warrants of Survey to persons claiming under patents provided the patentees or their Attorneys do first give an Account upon oath what Land has been already run out or disposed of By virtue of such patent And that no patent shall be given for such Lands until His Majtys pleasure be known concerning the Act passed in this province for the Remission of the Arrears of Quit Rent[?] &c

The Surveyor Gen^l. Memorial

To His Excellency Robert Johnson Esq^r his Majesty's Capt^l Gen^l and Comm^r in Chief in and over his Majesty's Province of South Carolina in Council

The Memorial of James St. John Esq^r his Majesty's Surveyor Gen^l of the Province of South Carolina

Sheweth That His Majesty by a Warrant under a Sign Manual bearing date the 22^d day of March 1730 has been most graciously pleased to constitute and appoint your Memorialist Surveyor General of this Province for the admeasuring Surveying & settling out of Lands and empowered to do & execute & perform by himself and his sufficient Deputy or Deputies all things whatsoever relating to the said Office and to take and receive all Fees perquisites profits & advantages whatsoever to the said Office incident or belonging.

That by an Act passed in 1721 in this Province the Fees and perquisites belonging to your Memorialist's Office were settled and established by the authority of the General Assembly to which Fees and perquisites Your Memorialist has undoubted & unquestionable right during his continuance in his said Office.

That by another Act passed the last Session of the General Assembly the sum of £3000 is appropriated and applied for Seven years to commence from the 26^d March last for the charge of Surveying and laying out of Townships and for such other purposes as in the said Act mentioned.

That it has been lately resolved by Your Excellency & His Majesty's Hon^{ble} Council that His Majesty's Surveyor General should be directed to cause the aforesaid Townships to be laid out as soon as possible And it has been further Resolved that all Surveys made of His Majesty's in this Prov^{ce} without
a Mur^t

a Warrant from your Excellency and deputation from your Memorialist shall be deemed void as by the said Warrant Acts & Resolves (to which your Memorialist refers himself) more fully and at large appears

Your Memorialist conceives that not only from the aforesaid Resolves but from his Majesty's Commission the nature of his Office and the Laws of this Province your Memorialist by himself and his Deputies has the sole right of surveying and laying out the aforesaid Townships exclusive of all persons whatsoever and that he is solely entitled to all Fees perquisites and Advantages which shall arise thereby out of the Monies appropriated as aforesaid or otherwise howsoever

Your Memorialist from the aforesaid Considerations has thought himself under a necessity to apply himself to your Excellency on this occasion that in case it should hereafter seem necessary to appoint Commissioners to fix and determine the situation of the Townships to be laid out as aforesaid that your Excellency may be pleased at the same time to give such directions and that the Orders to the said Commissioners may be limited as not to interfere with any part of your Memorialist's Office or tend to deprive him of the just rights and privileges granted to him by His Majesty's Commission and secured to him by the Laws of this Province

Resolutions of Council in Council Chamber

12 die Novembris 1731

M^r Surveyor General attending this Board and presenting a Memorial to His Excellency Read the Memorial of M^r Surveyor Gen^l claiming the sole right of laying out the Townships in this Province exclusive of all other persons what-soever

His Excellency exhibiting to this Board His Majesty's Instructions relating thereto read 43 44 & 45 Articles of His Majesty's Instructions on this head His Excellency being now pleased to lay this Matter before His Majesty's Council for their opinion who now entering on debate M^r Surveyor withdrew upon the debating the Matter Resolved that it is the opinion of this Board that the Surveyor General is the proper person appointed for laying out the Townships

Resolved that upon the Surveyor Gen^l returning each plot of every Township of Twenty thousand Acres he shall lay out or cause to be laid out he shall be entitled to one penny per acre according to Law to each Township to be paid him out of the Money appropriated for this purpose as the same shall arise pursuant to the Act of Assembly ratified the twentieth day of August last

Resolved that M^r Surveyor Gen^l be advised and that he do give particular Instructions to His deputies that they do not hereafter lay out any Lands or whatsoever within six Miles of the said Townships that shall be now run pursuant to His Majesty's Instructions Ordered that a Copy of the Minutes be delivered to M^r Surveyor Gen^l by the Clerk of this Board

*Report of a Committee of both Houses appointed to consider
of M^r Surveyor Gen^l Memorial*

The Committee are of opinion that it being very uncertain when people may arrive to inhabit the Towns His Majesty has commanded to be reserved for them it will be advisable that His Excellency appoint such persons as he shall think fit to fix the situation of any of the said Towns only to take the course and shape of the River where it is to be and to give it a name that when people arrive to inhabit any of them that then the Inhabitants (to answer his Majesty's gracious intentions) shall have their Lots and Lands granted them free of any charge the Fees to his Excellency the Governor the Secretary and Surveyor General to be paid out of the Money provided for that purpose by an Act of this province. That the said Commissioners may draw a plan of the said Town to be approved by His Excellency which may be a Rule to the Surveyor Gen^l to lay out the Lots by when the Inhabitants do arrive.

The Committee take notice of the Surveyor Gen^l's demand of one penny per acre not only for twenty thousand acres ordered for the Townships but also for the Land included for the parish Line ordered to be reserved round it being six Miles which will make the whole number of Acres upward 138000 in each parish and would amount to so great a sum of Money that the province cannot bear and would also frustrate (we humbly apprehend) his Majesty's gracious intentions of encouraging of New comers to enter on those Townships free from charge the whole of the charge of the eleven Townships amounting to upwards of

of £25000 of our Currency and as they apprehend he will be entitled to that large sum when the province shall be so happy as to have Inhabitants to people the said Downs then it will be time enough to be at so great a charge when the province shall be strengthened by an Accession of so many new Inhabitants especially when they consider that were the Downs now marked and staked out it would be to be done again when they arrive should the time of their arrival be more than three years first the Marks being so perishable

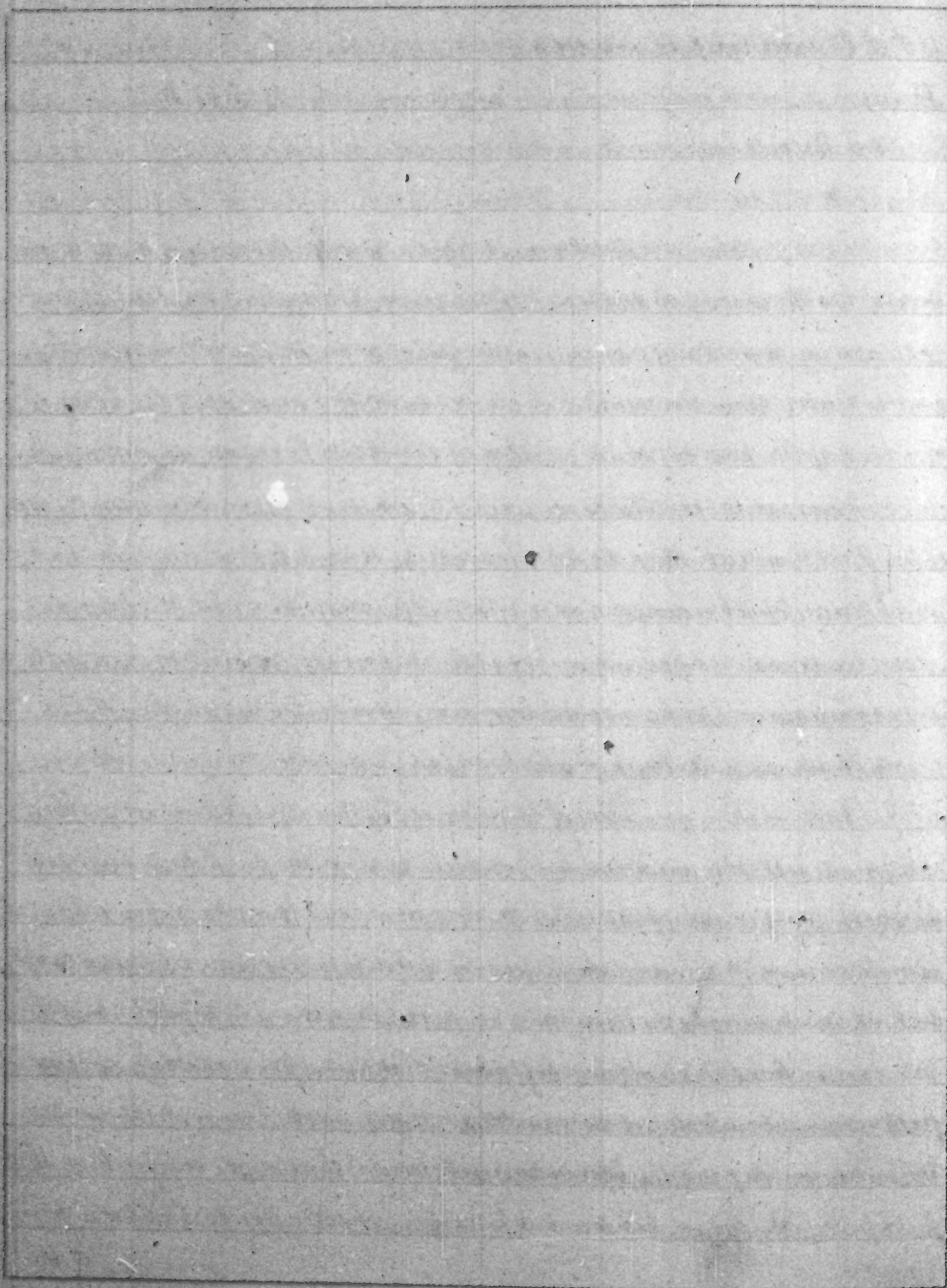
The Committee of both houses having reason to believe that His Majesty's Surveyor General has in public discourse said that he would write to some persons of His Majesty's Ministry in Great Britain to shew them reasons why His Majesty should not approve of a late Act of the General Assembly entitled an Act for the Remission of the Arrears of Quit Rents &c. Do humbly request Your Excellency is that you would be pleased to send to the said Surveyor General and desire of him that he will communicate to your Excellency and his Majesty's Council the Objections he has to make to the said Act which we the Legislative Body of His Majesty's subjects here do think so much for His Majesty's service and the good and quiet of the people that we may have either an opportunity of either amending the said Law or otherwise be enabled to instruct our Agent to support the same which if he shall refuse to we doubt not but his Majesty's Ministers will look upon such a proceeding as acting *ex parte*.

A part of the Kings Instructions to the Governor of South Carolina
 You are hereby directed to recommend to the Assembly of our said Province to pass an Act or Acts whereby the Owners of all Lands already granted by the late Lords Proprietors shall be obliged within a reasonable time to take possession of and cultivate the Lands by them claimed on penalty of forfeiture of such right of Claim And to prevent the like Inconveniencies for the future in all Grants of Lands to be made by you and with the advice and consent of our Council You are to take especial care that no Grants be made to any person but in proportion to his ability to cultivate the same and that proper clauses be inserted for vacating said Grants on failure of cultivating or payment of the Quit Rents reserved thereon And as the most probable measure for our Government in this particular will be to proportion the Quantity of Land to the number of persons and Slaves in each Grantees Family You are hereby directed not to Grant to any person more than fifty Acres of Land for every White or Black man Woman or Child of which the Grantees family shall consist at the time the Grant shall be made

You are hereby required to mark out and set apart Eleven Townships in our said Province on the Banks of Rivers at sixty miles distance from Charles Town that is to say two Townships upon the River Altamaha &c It is our further Will and pleasure that each of these Townships do consist of twenty thousand Acres of Land to be laid out in square plots of ground one side thereof to front the Banks of the respective Rivers on which they shall be settled In each of these Townships you shall mark out a proper place for the situation of a Town contiguous to the River
 where

where the Township lies to consist of or many lots and each lot of such quantity of Land as you shall judge convenient and to each Inhabitant at their first settling there besides their respective Town lots You shall grant fifty acres part of the above mentioned twenty thousand as for every man woman or child of which the Grantee's family shall consist which Grant shall be augmented from time to time as the ability of respective Inhabitants shall render them capable of cultivating more lands always taking care to proportion the profitable and unprofitable land in each Grant and mark the same out in such manner that every Grantee by the situation of his Land may reap equal advantage of access to the River to which the Township shall be contiguous and to the intent that land near the said Township may not be wanting for the convenience of the Inhabitants as their substance shall increase no person except the Inhabitants shall be allowed to take up any Lands within six miles of the said Townships respectively to which the said Township shall be contiguous

And that a quantity of Land not exceeding three hundred acres contiguous to the said Towns shall be set apart for a Common in perpetuity to each of the said Towns free from Quit Rents And it is our Will and pleasure that you do with all convenient speed lay out these Townships and that no person claiming Right to take up lands in South Carolina by former Grants from the late Lords proprietors be allowed to take up lands within six miles of these Townships by Virtue of such Grants



B. P. R. O. South Carolina B 2 vol 5

Q. 34

21 Sept 1732

To J Malpote Esq.

Right Hon^{ble} Sir

When Mr S^r John was obliged to go to North Carolina to attend the Duty of his Offices in that place he took the liberty to acquaint you that he had appointed me his deputy during his absence to execute the Office of Surveyor Gen^l and to receive your commands. Since his departure he has had the honor of receiving your favor of the 28th of April last. It was but a very short time after Mr S^r Johns arrival in this place when he transmitted to your honour the copy of the Quit Rent Act when he had but a little time to look about him and hardly any opportunity of making himself acquainted with the province or the business of it and when it was scarce possible for him to gain such an acquaintance for he was not long here before he discovered that those whose business and duty it was to inform him were engaged in views very different from the intention of his coming hither and that it was their chief aim either to mislead him or keep him in the dark. and he found himself beset with a Multitude of Importunities to make a favorable representation or be silent on the subject of the Quit Rent Law not without some distant Insinuations how uneasy he would be made if he showed any opposite Inclinations Finding himself thus destitute of the Assistance of those from whom he expected it he was obliged to take another course and use his Industry in making the best Inquiry he could that might enable him to faithfully discharge his Trust. It was his fortune after he had been here
a few

a few months to meet with some persons who had no interest or concerns in the public affairs other than as wellwishers to the Society they lived in but who from a long residence in the country and having been engaged in former administrations were pretty intimately acquainted with the present as well as former transactions from these persons Mr St John got some information and insight and finding on a diligent search and an enquiry among the public Records that the accounts he had received were well supported he entered into a free conversation with them and by this means he procured the observations which he did himself the Honor to lay before you in April last and as those observations are to be supported by the most undeniable Testimony he humbly hopes they may in some measure contribute to His Majestys Service and he flatters himself will acquit him to your Honor of any remissness or backwardness in his duty, the making these Inquiries alarmed those whose business it was to have the Subject of these observations concealed and they soon gave him to understand that he must undergo what they at a distance threatened and that his Tranquility was to be purchased at no other rate than by his Silence and Connivance this gave birth and was the immediate cause of those violent proceedings which have been the subject of his former Letters which he has been obliged to lay before your Honor not only for your protection and support but as necessary to his own immediate preservation And amongst all these Trials he has ever addressed the Govern^r and those in Authority in terms of the greatest respect and Submission and has avoided in any manner of offence tho he has been urged and provoked to it by a Treatment not fit for the most mean or abject of all

all his Majesty's Subjects He humbly hopes he shall be justified to your Honor in this particular as he has ever laid before you exact Copies of what has passed and he never applied to the Governor or his Council on any occasion but in writing That he might avoid any misrepresentation of his conduct or behaviour And the Governor has ever since his first arrival treated him with so much distance that he has had no opportunity of a more intimate or free conversation.

I have transmitted amongst the enclosed papers an Attested copy of the Journal of the Assembly on the Bill for prolonging the time for Registering of Titles with an intention that you may perceive the Attempts and Inclinations of the people here When that Bill came before the Council they desired a Conference with the Assembly and it being near the end of the Session the matter rested.

There can be nothing therefore objected to the Governor or Council upon this head it being uncertain what issue this Matter will have But they have been so very flexible in the Quit Rent Law that there is some reason to fear that they will too much incline to any attempt That the Assembly shall make & those who are the most popular Leaders in the Assembly are so sanguine on the subject of this Bill that they on all occasions declare their resolution running it at the next sitting.

Your Honor has been pleased to take notice of an Information that you have received That the Surveyors of the Country are running Lands under pretence of Old purchase Receipts from the late proprietors and Deeds lost and burnt As a very great latitude has been already taken in making
use

use of the Quit Rent act Tho the people here are yet uncertain of the fate of it. Tho there is a liberty given by that Act to confirm Titles under purchase receipts and old deeds burnt and lost It is more then probable that a very extensive use will be made of this law But I beg leave to assure Your Honor on M^r St John's behalf that he passes no Survey in his Office but what is made by the Governor's immediate warrant which he always keeps as his Authority & voucher There is one of a Special nature a Copy of which now waits upon your Honor which will shew that the Governor and Council are very open to applications of that sort tho on the other hand it must be acknowledged that when they have given their consent to a Law that is prejudicial to the Interests of the Crown they can't very well deny the people the benefit of it while it subsists unrepented.

But the greatest Evil that is to be feared is from the sanction that the Quit Rent Law gives to the patents and the surveys made under them which the Act allows to be made by any Common Surveyor without any obligation on him to return his survey into any office where it may be examined & approved and by this means it is apprehended there's room left for the greatest frauds and concealments in the Kings Lands And I hope it will not be amiss to remark to Your Honor how great a tenderness is shewn for these patents by the Governor and Council in every part of their proceedings they are everywhere specifically named The Governor by his Warrant cautions that the Lands to be surveyed be not heretofore run out by any Warrant or patent In the resolves of Council relating to the Granting of Lands Lands holden under patent and made Valid by the Quit Rent law are

are particularly absolved from the method prescribed to be observed in surveying the Kings Lands. and yet this darling thus fostered and nourished sweeps away from the Crown 800000 Acres of Land and at least £1000 p Annum Rent as has been demonstrated by Mr S^r John in former observations laid before your Honor. I cant leave this subject without giving your Honor an instance of the great Industry to conceal the Kings Lands and to what height their Resentment grows against any person that is an Instrument of the least enquiry Your Honor will receive amongst other papers the proceedings in the Assembly against one Edward North This North is a very mean and inconsiderable person one of those who in this country are called Cattle Hunters These sort of people from their continual ranging the Woods are better acquainted with the land than any other set of men and are capable of directing people to good lands and convenient situations This man having a little more curiosity than the rest has made it his business to inquire what Lands were taken up by the Grants and what were claimed under any other pretence and having made himself acquainted with these things he used to pick up a little money by acquainting Strangers & newcomers who were desirous to take up Lands under the Crown where vacant Lands were to be found this begot him the Resentment of the Assembly and they summoned him to appear before them for having committed several Indirect practices in Surveying or Shewing of Lands. The man living in a very remote part of the Country could not give immediate obedience to their Summons and he was committed to prison where he laid for a month and they not being able

able to fix anything upon him from so loose and uncertain a charge after the poor fellow had been put to the expence of above two hundred pounds he was discharged upon his submission for a pretended Contempt of their Summons. The man in his own person was too inconsiderable even for the consideration of the Assembly. tho they stoop sometimes very low but they had an imagination that he was set to work by Mr S^t John as an instrument to make a discovery of concealed Lands however justifiable & prudent such an attempt might have been in Mr S^t John and however fit the man was to be employed yet he never was employed. But this was what the Assembly wanted to fix upon Mr S^t John to render him odious and unpopular and at the same time to let every body know how dangerous a thing it would be to attempt an Inquiry of this sort And altho upon several very strict Examinations of North before the Committee they could extort nothing from him relating to Mr S^t John Yet the Members did not forbear by sinister Insinuations and oblique hints to raise suspicions in the Country that North was an Agent for the Surveyor General. The poor man North's persecutions did not altogether cease when he was discharged out of prison by the Assembly for I was present in the Council Chamber when the man attended as a witness in a private Cause and the Governor in boisterous and threatening Language told him that he would lay him in Goal and that he would hamper him for undertaking to shew people Land which the Governor said was creating a disturbance in the Country and setting people together by the Ears. Being concerned in the case I had an opportunity of representing to the Governor
That

that I humbly apprehended that if North was abstracted from His Excellency's displeasure he would be found guilty of no crime that to shew a piece of vacant land to a person who was desirous to become the Kings tenant if done gratis was an Act of Benevolence and if a poor man who lived by his labor took a small reward for the same act it would not make it an offence and that it was to be hoped that the Quiet of this Country and the peace of the people did not altogether depend upon the establishing of the possessions of all those who had unlawfully intruded into the Kings Lands I have been the more tedious in giving your Honor a particular account of this affair because from this Instance you may have a view of the sentiments and Inclinations of the persons in power here I am far from saying that they are the desires of the Country in General for as I have long resided here I am very certain that much the greater part of the people wish that the Kings Instructions were fairly and justly put in Execution according to His Majesty's most gracious Intentions and they want no Arguments to convince them that an equal distribution of the Kings Lands will add to the number of their Inhabitants bring them an accession of Strength increase the Trade and render them more useful to & consequently more worthy the consideration of Great Britain These are the Views and desires which the majority of the people here entertain and the ends they wish to see accomplished but there are in all places interfering Interests which prefer a present and selfish advantage before all other considerations whatsoever. M^r S^t John has formerly acquainted your Honor with the disinclination of the people to Register their Titles according to the Kings Instructions this representation will be sufficiently justified when I assure
your

your Honor that from an exact account taken from the auditors office there have no more than seventy persons (who in all possess Sixty one thousand and forty six acres Land) entered their titles to this day altho the Office has been open and Public Notice given ever since the 27th of Nov^r last And yet the people of this province pay Tax for 1.453 8¹/₄ Acres as appears from an Exact Account which I have taken from the provincial Treasurer. and this exclusive of the Lands lately taken up under the Crown. I fear very much that I have already been too troublesome I shall only beg leave to take notice that I have enclosed a true copy of the answer that has been laid before the Governor on M^r S^t Johns behalf to the complaint made against him And I dare assure your Honor that every circumstance here set forth can be supported by the clearest proofs. for M^r S^t John would not presume to lay before you any thing of the truth of which there might be the least doubt or question and these proofs I will undertake on M^r S^t Johns behalf to produce if any of the facts should be denied I can only add that M^r S^t Johns exposed to many difficulties and inconveniences in this province on account of his steady and faithful adherence to the Interests of the Crown He humbly implors your Hon^{rs} protection whilst he discharges his Trust with fidelity he hopes to be pardoned for errors or inadvertencies which is the utmost wish an honest man ought to entertain and that he may become secure of this he has the strongest expectations from your honors goodness and humanity. I am with the greatest attention and regard your honors most obed^t and most humble Serv^t

Benjⁿ Whitaker

P.S. 22 Sept 1732 This day one John Stewart a planter told me that he was ordered by the Gov^r to petition him and the Assembly against M^r S^t John for taking a fee for his precept.

Rec^d } 1 December 1732
Read

B P R O South Carolina B 3 Vol 5

Q 35

21st Sept^r 1732

To His Excell^{ty} Governor Johnson

May it please your Excellency

Wth S^t John his Majesty's Survey Gen^l being (at present) in North Carolina on His Majesty's Service in execution of those Offices to which he is appointed in that place I humbly beg leave on his behalf and as his deputy to lay before your Excellency the annex'd papers in pursuance of a Writ which Wth S^t John has received from Great Britain for that purpose and as his justification to a complaint made against him for exacting higher Fees per Acre for running out Land than are due to him

The first Schedule contains an exact Account of all the Fees and perquisites which Wth S^t John takes or permits to be taken in his Office and the other Schedules are exact transcripts of Attested Copies taken from the Secretary's Office not only of the Fees settled by the Act of Assembly now in force but of such Fees as were allowed to the Surveyor General by former Acts from the year 1685 whereby it appears that from the first settling of this province the Surveyor General was allowed one penny per Acre for running out Land the Fee allowed by Act of Assembly 1721 (now in force) is one penny proclamation money which according to the present Exchange is five pence in the paper Currency but Wth S^t John has never taken more than four pence which is a fifth part less than is really and bona fide due to him by the said Act.

Wth S^t John is not ignorant that it has been objected that according
to

to the intention of the Act the penny per Acre was designed to be in full for whatsoever the Surveyor General or his Deputy might demand for running out Land. But it may with as much Equity be expounded to be also in full for their Expence in finding Markers, Chain Carriers, horses and provisions in a country wild and uninhabited as most part of this province is where Lands have been lately run and if this construction is also allowed the Surveyor and his deputy must be considerably out of pocket. Besides the fatigue and hazard of their persons, it has also been objected that it has been a Custom in this province for the Surveyors General to allow their Deputy one half their Fees. To this M^r S^t John answers that there is no evidence of such a Custom any where extant in this province and as he could no other way be made acquainted with the practices of those who enjoyed the Office before him upon his first arrival in this province he made his application to his immediate predecessor (a Gentleman of known honor and integrity) who informed him that he had usually received the penny per Acre at the full Exchange to his own proper use and that he left his Deputy to agree with those who employed them and it is well known and can be proved that the same Gentleman received sometimes five pence the Proclamation Exchange and sometimes seven pence the Sterling Exchange and for this he never incurred a reprimand nor was it ever thought he deserved any

M^r S^t John has reason to think that the above objection is the more extraordinary because when at the first entrance into his Office he said a Draft of his Instructions intended to be Given to his Deputy before

before your Excellency and His Majesty's Hon^{ble} Council amongst other things his Depuths were by those Instructions enjoined not to take any Fee gratuity or reward whatsoever for any matter or thing done in the Execution of their Office which Instruction was struck out and rejected by His Majesty's Council but altho' by the disallowing this Instruction the Depuths might seem to have some Latitude Yet M^r S^t John has always in the most earnest manner recommended to them that they should take no more from those who employed them than a bare compensation for their Labor & expence and told them that if any complaint and proof was made against them for a contrary behaviour he would take away their deputations and if any such Complaint and proof had been made he would have been as good as his Word

M^r S^t John must also say in Justification of his proceedings that he has done nothing more nor even gone so far as some of his predecessors and as they were never censured nor complained of on the like occasions so he may venture to affirm without vanity that he at least has an equal merit and right to receive whatever they did for they were for the most part if not always Gentlemen living at the plantations in the Country and attended their own private affairs from whence the application of the Subject must be rendered much more difficult and public Business must have been necessarily delayed But M^r S^t John has at considerable expence kept the Office of a Surveyor General in Charles Town distinct & separate from the other Offices to which he is appointed and has employed Clerks and given due and constant attendance at all seasonable hours
And

And this being the case between M^r S^t John and his predecessors it involves him in a very great difficulty to find out the real cause why he is complained of when they were always esteemed unblameable.

In what he has before set forth he has shown how far his proceedings in the Office have corresponded with those of his predecessors but he must at the same time acknowledge that there is another thing wherein he has differed from them and that he has permitted his Clerk to take a Fee of ten shillings this Currency equal to about 1 $\frac{1}{4}$ ^d Sterling for a precept issued to the Deputy Surveyor on the Governors Warrant M^r S^t John has been informed that his predecessors used to deliver the original Warrant from the proprietors Governor to the Deputy Surveyor This was when they observed any tolerable Rules in the Office but the more frequent practice was for the party who obtained the Warrant to carry it to the Deputy Surveyor and very often only shew it to him so that the Warrant was seldom or never returned and to what corruptions this practice was obnoxious anyone may observe without much penetration and it is now too apparent from the multitude of the Blank Grants Blank Warrants & Blank Certificates of the Surveyor General both in the public Records and in private hands that the Surveyor General often certified plots without ever seeing the Warrant certainly knowing whether there was any Warrant at all and without any proper or regular Certificate from the Deputy Surveyor a method much more useful and secure both to the Crown and the Subject has been observed by M^r S^t John. For when M^r S^t John receives your Excellencys Warrant it is fairly and a precept of it in pursuance

is directed to the deputy Surveyor who makes a regular Certificate and return of the Execution of the precept and this return together with an exact duplicate of the plot Certified by the Surveyor General remains in his Office as a Record and Voucher for whatever he does or causes to be done in obedience to the commands of Your Excellency's Warrant so that in case of any dispute on search made it may be at one view discovered that a Warrant was issued by Your Excellency and that that Warrant has been duly executed and that no fraud or injustice has been committed under color or pretence of such Warrant

Mr. S^t John hopes that he has made it very evident that the Method he pursues as he compared with that which was formerly used is absolutely necessary both to prevent concealments of the King's Lands and for the security of the Subject And if it be necessary he humbly conceives that under the Act of Assembly 1721 he is well entitled to receive this Fee as if it had been expressly set down in the Act. For it is by that Act enacted That for any service matter or thing that shall or may be done by any of the Officers &c not mentioned and provided for in this Act the said Officers &c are hereby authorized and empowered to take reasonable Fees and as near as may be in proportion to the Fees by this Act directed &c^{ea} Now Mr. S^t John humbly apprehends that the Fee which has been mentioned is a reasonable Fee even if he himself had received it tho' he still avers that never one penny came to his use on that account but that it was always a perquisite he allowed to his Clerks

Mr. S^t John also laid before Your Excellency a List of the Fees which
were

were established by a Resolution of Your Excellency and His Majesty's honorable Council with this Intention that he might be at liberty to observe that whatever additional provision and assistance you have been pleased to allow to any other Officer yet the fees there mentioned to be taken by the Surveyor General are no more than a bare transcript of the Fees settled by the Act 1721 so that the Surveyor General cannot be intended by that Resolution to be excluded from any benefit that is given him by the Act of Assembly. And Mr. S^r John must at the same time beg leave to take notice that the Attorney General (without blame or complaint) has been allowed to take Twenty shillings currency for barely administering an oath when persons swear to the number of their Families and that without even the countenance of either Act of Assembly or Resolution of Council and tis a fee very disproportionable to any Fee of the like nature mentioned in the Act 1721 Mr. S^r John has not made this remark with an intention to reflect any blame on the Attorney General or any other Officer in this particular because he is humbly of opinion that wherever an Officer does a necessary Duty he ought to have a reasonable compensation for it, but he was obliged not to let this instance pass unobserved to shew the singularity of his own case

The complaint made against Mr. S^r John that he has exacted higher Fees than are due is attended with a conclusion that he is very certain is impossible to be justified or supported by. That at the old rate his place will for the first two years bring in two thousand pounds sterling Annuum he hopes that if he had been so fortunate as to have been placed in an office attended with these great advantages which have been represented, he should not for that cause alone have become the object of envy or

censure

censure But he can easily demonstrate to your Excellency that in his present situation there is no motive to provoke either. He knows very well that since his arrival Your Excellency has signed Warrants for upwards of six hundred thousand Acres of Land but your Excellency may be informed from the plots that lie in the Secretary's Office for Grants as also from the Returns in the Surveyor General's Office that there are not a third part of those six hundred thousand Acres run out And your Excellency may with as much certainty be made acquainted by the Deputy surveyors that there are very few vacant Lands to be found in any part of the province where people will choose or venture to settle They will let your Excellency know that when they come near the Banks of Navigable Rivers and Creeks they find the Land run out in vast Tracts claimed under old patents Granted to Landgraves Cassiquis and others and that there are none to be got but back Lands of little or no value and from hence Your Excellency may be fully assured that there remains very little business to be done in the Surveyor General's Office and a calculation may be easily made of the profits which Mr. St. John has already received by his Office and the very remote probability there is of any considerable acquisitions for the future and more especially if your Excellency will be pleased to consider that by the Quit Rent Act as to Lands taken up under patents it is sufficient that they were run by a person who was once a sworn Surveyor and no Record or Certificate of the Survey is required to be returned into the Office of the Surveyor General But all such Lands are by that Act sufficiently guarded from any Inquiry or Examination

But

But was fully to convince your Excellency on how gross mistake the latter part of this Representation was made he has subjoined to the annexed papers a Calculation of the amount of the profits of his Office since the fifth of October last which was the time of his arrival here which amounts now but very little to make up a year. He does aver to you that there has not been to this day returned into his Office the Surveys of Six hundred thousand Acres all the Warrants for above Six hundred thousand Acres have issued before the first of April last and he not to be presumed with any probability that people would put themselves to the charge of taking out Warrants unless they intended to take up Lands in pursuance of them And the reason that they have not put in Execution those Warrants must be because they cannot find vacant land such exorbitant quantity having been run out under colour of these patents

Your Excellency has already an account of the quantity of Lands that has been taken up under the authority of your Warrants and the reason which have been given are sufficient to convince that there is no very great prospect of great quantity being taken up or considerable advantages made for the future And upon this Calculation which has been made in a time when the greatest and most eager application has been made for Lands that ever was known and a much greater than any future opportunity can possibly afford and it appears that the profits of the Surveyor General's Office does amount to but little more than a quarter part of the value of what is represented or an Eighth of what is suggested.

These matters may it please your Excellency are laid before you on behalf of M^r S^r John in obedience to direction he has received from
Great

Great Britain and to the end that Your Excellency may transmit your opinion upon the several Articles a true copy of the whole M^r St John is to lay before the Right Hon^{ble} Horatio Malpole Esq his Majesty's Auditor General of America which I shall do by the first opportunity on his behalf

As M^r St John is absent it has fallen to my share to conduct these things to your Excellency's hands But I hope from thence your Excellency will not receive any impressions to my disadvantage but consider me as a Deputy execution the trust reposed in him by his principal with fidelity & attachment, and I dare venture to say M^r St John would have been glad to have been excused from giving your Excellency and himself this trouble but the Representation that has been made against him has made it necessary to say thus much in his Justification which he hopes will be received and interpreted with Equity and Candour. I am

Your Excellency's most obedient and
most humble Servant

Benj^d Whitaker

A true and exact List and Acc ^t of all the Fees and perquisites taken in the Office of James St John Esq ^r Surveyor Gen ^l of South Carolina	£	s	d
For running out any quantity of Land per Warrant & Acres	0	0	4
For a plot, Record of that plot, and Book ^s and Copy of that plot	2	10	0
For recording each Tract of Land	1	10	0
These are estab ^d & allowed by Act of Assem ^y 1721 Now in Force	4	0	4
The Survey ^r Gen ^l allows his Clerks to take for every precept made on the Ser ^{ts} Mon ^y	0	10	0
Besides			

Besides the Fees abovementioned there is no fee perquisite gratuity reward profit or advantage whatsoever given taken or received for any matter or thing whatsoever done or transacted in the aforesaid Office.

Upon the whole the Surveyor receives for every plot returned and certified the sum of four pounds of this Currency equal to Eleven shillings and five pence Sterling besides four pence Carolina Money per acre for running out the Land which is very little more than a halfpenny sterling and this is the whole charge the subject is put to in that Office in obtaining a Grant from the Crown for His Majesty's Lands as will more clearly appear by the following Estimate

The Charge in taking up Two hundred Acres of Land in South Carolina to be paid in the Surveyor Gen ^l s Office viz ^t			£	s.	d.
To the Surveyor Generals Clerk for a precept made in pursuance of the Governors Warrant	}	0 .	10 .	0	
To running out 500 Acres of Land at 4 ^d per Acre		8 .	6 .	8	
To the plot and the Record of that plot and the Certificate and Copy of that plot	}	2 .	10 .	0	
To recording the plot		1 .	10 .	0	
Carolina Money			12 .	16 .	8
In Sterling Money the Exchange being 700 p ^{ts} Cent			£ 1 .	16 .	8

An Estimate of the whole profits that have been made in the Surveyor Generals Office admitting that there have been run out Two hundred thousand Acres of Land tho' M^r S^t John avers and can make it evidently appear

appear that there has not been so great a quantity Surveyed and returned into his Office and in this calculation is included not only such plots as have been certified and the Fees received by the Surveyor General but also all such plots as are returned into his Office but not certified or the Fees paid

Two hundred thousand Acres run out at 4^d per Acre is $\begin{array}{r} \text{£} \quad \text{s} \quad \text{d} \\ 3333 \quad 6 \quad 8 \end{array}$

For two hundred plots and the Incident Fees computing } $\begin{array}{r} 800 \quad 0 \quad 0 \\ \hline \end{array}$

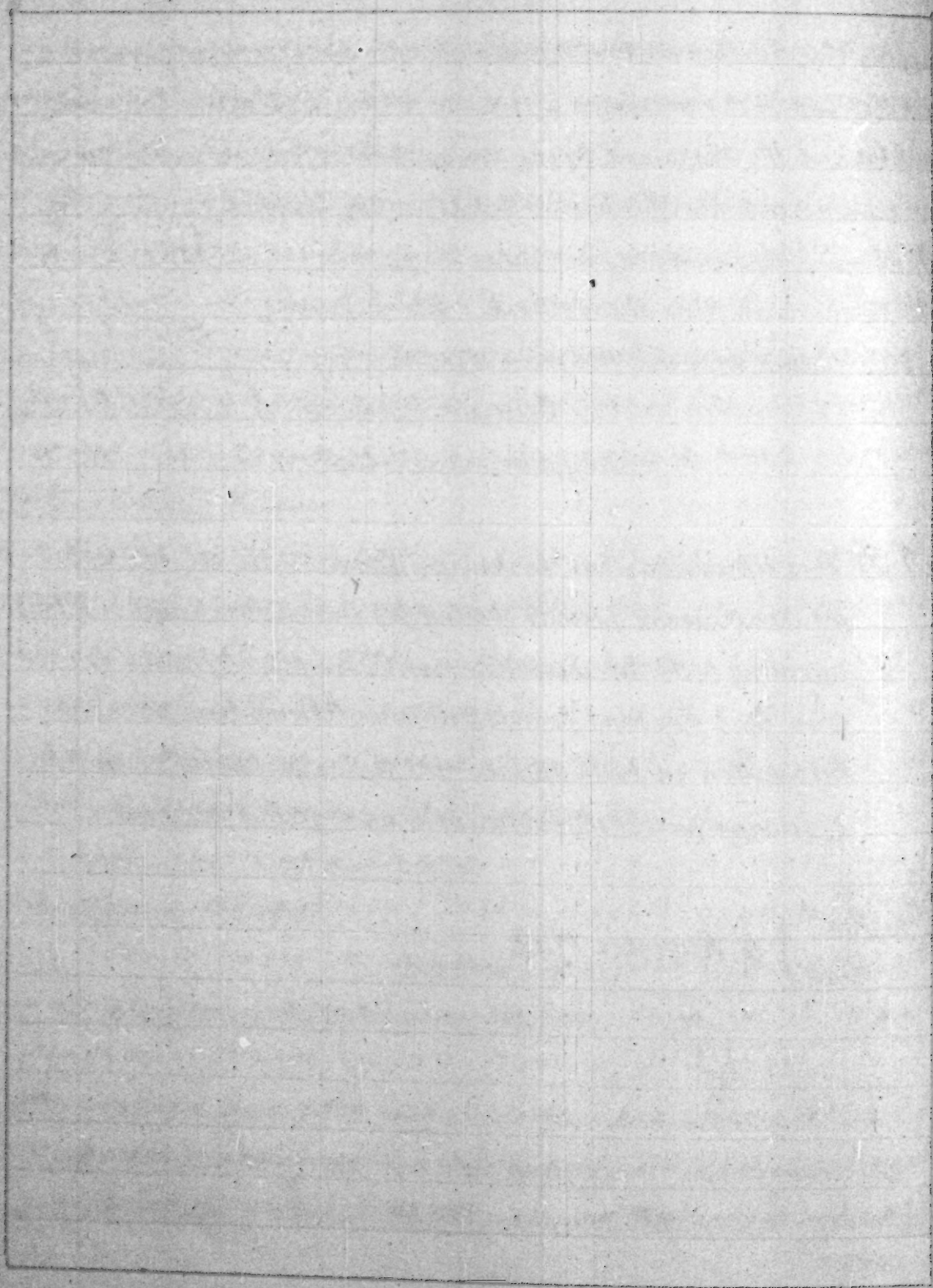
One thousand Acres in a plot one with another

Carolina Currency $\text{£} 4133 \quad 6 \quad 8$

In sterling discounting the Exchange $\text{£} 590 \quad 9 \quad 6$

N. B. It is represented that the Surveyor General at the old rate would get Two thousand pounds sterling per annum from whence it follows according to the Representation that by his present practice he must gain Four thousand pounds per annum Whereas from the above Calculation in truth appears that he has gained little more than a quarter part of the first sum or an Eighth of the latter.

Rec^d } 5 December 1732
Read }



B. P. R. O. A. & N. S. Vol. 19. p. 15.

Charles Town in South Carolina

May it please Your Grace,

September the 26th 1732.

To permit me to lay myself at your Feet and return your Grace my most unfeigned Thanks for the Honour you did me (at Brigadier Churchills request) by recommending me to the Protection of Governour Johnson and for your Graces further Goodness in condescending to desire him not only to favour and encourage me in the way of my Profession, but to place me in the first vacant Office he should find me capable of. This Recommendation of your Graces I shall ever count a solid Glory It having gained me Esteem & Respect from every one that hath heard of it but the Gentleman to whom it was directed As for him I am sorry that I am obliged to acquaint your Grace (wth in Justice I can't help doing) that on the 6th of August last (when I arrived here) before his Excellency knew my Business wth him He sent a Gentl^e to me with the usual compliments and an Invitation to dine with Him I went accordingly and deliver'd him your Graces recommendatory Letter together with another which the Lords of Trade & Plantation did me the Honour to write Him in
my

my Favour. He read them in my presence But so far from complimenting me upon the receipt of them or saying a civil thing to me upon the Occasion He said in an odd manner, there were a number of my profession here already and that the People at home had taken care to let him have very little Trouble in the Disposall of places and from that time to this hath not taken the least Notice of me.

I have however (my Lord) the Happiness to be favour'd & very kindly received by a Number of the best & most substantiall Gentlemen of this Province and have a tolerable good prospect of succeeding in the way of my Buiness without His Excellency's assistance. But if to make my life more comfortable Your Grace shall hereafter condescend to bestow any Favour upon me I shall always make it my Study to behave in such manner as that your Grace and the World may not think it ill bestowed.

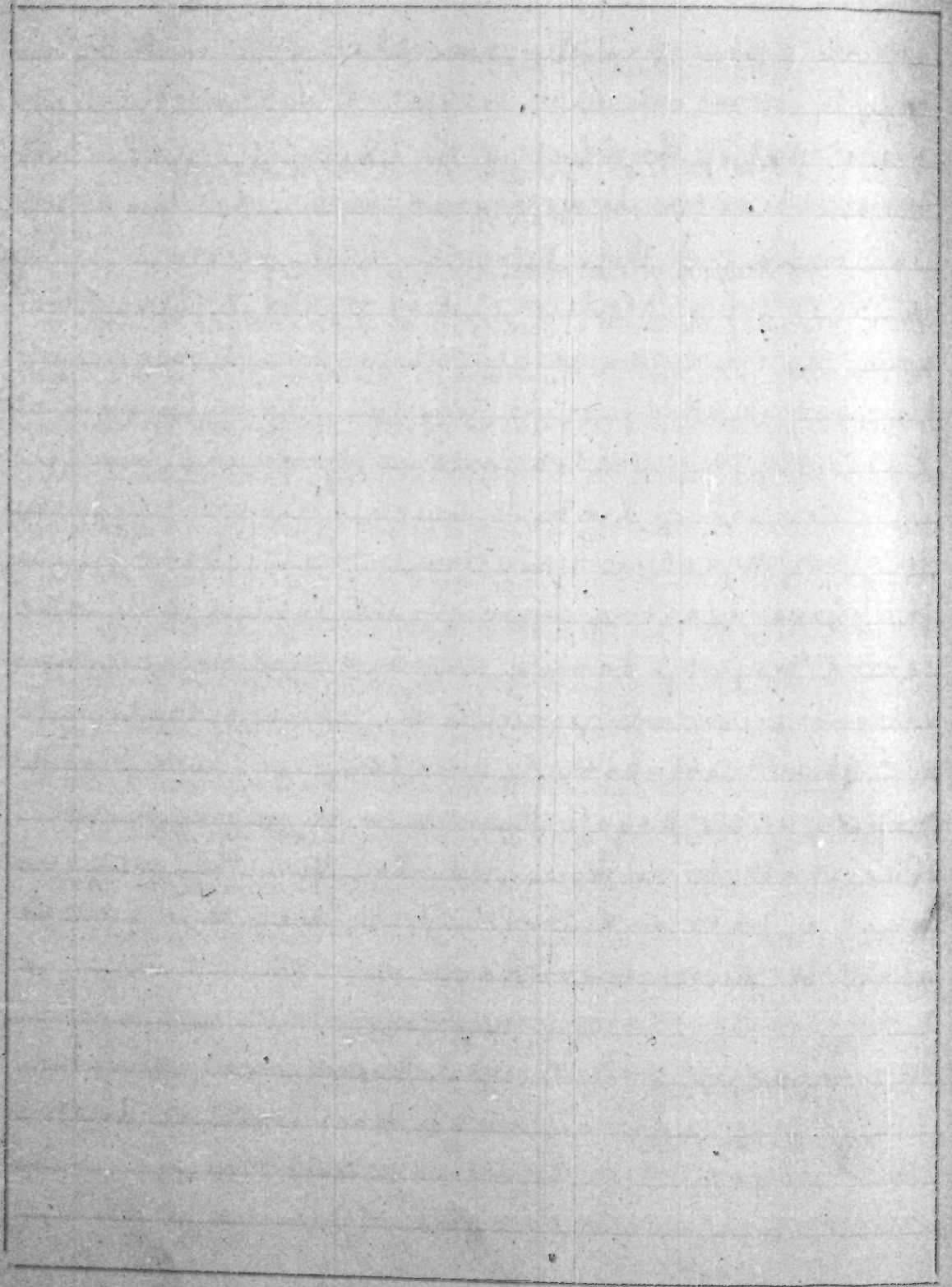
His Excellency's own Friends (my Lord) seem surpriz'd at his Behaviour on this Occasion and can no otherwise account for it than by imagining he must be chagreen'd wth an Apprehension that my Interest in England may stand in the way of his He seeming determin'd to ingross & resolve (if possible) all

all the Offices (as the same shall fall) in to His own Family of which with respect to the Navall Officers place, that of the block of the Councill & the Publiick Vendue Master he hath given us very lately a Specimen In the first of these Offices he hath placed a Gentleman in Trust for a Nephew of his (one Capt Broughton) and the other two are occupi'd by a Domestick of his (as it is said) for his Excellency's own Emolument I humbly beg pardon for thus troubling your Grace but must beg leave to trespass yet a little further for time to assure your Grace that I have from my childhood heartily espoused the Interest of His most sacred Majesty's Family and have done the same upon all occasions with respect to the Administration in ~~which~~ your Grace hath had so large a share that His Majesty & his Royall Race may reign over Us till time shall be no more and that He & they may never want a Duke of Newcastle to be near their persons shall be the constant prayer of

My Lord

Your Graces most obliged
and most Faithfull Servt

Will: Grewin.



B P R O. South Carolina B 2 vol 5

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At the Court at Kensington the 28th day of Sept^r 1732

Present

The Kings most Excellent Majesty in Council

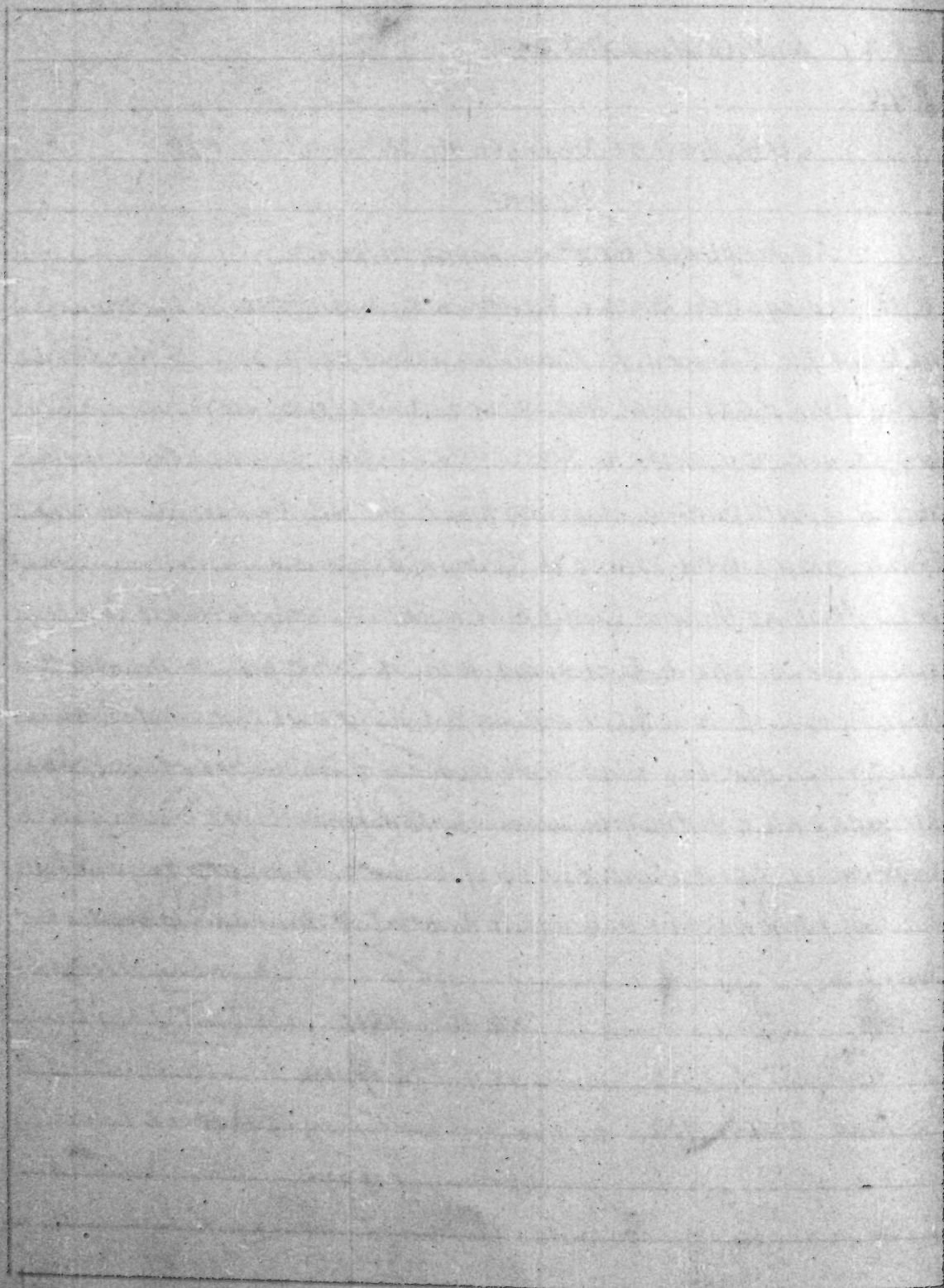
Upon reading at the Board a Report from the Right Honorable the Lords of the Committee of Council for plantation Affairs dated the 7th of this Instant with a Draft of additional Instructions prepared by the Lords Commissioners for Trade and plantations to Robert Johnson Esq. Governor of His Majestys Province of South Carolina. requiring him to give all due countenance and Encouragement to the settling the Colony of Georgia, and to cause the Charter for Establishing the said Colony. to be registered in the Records of that Province. from a copy to be annexed to the said Instructions. His Majesty this day took the said Report and draft of Additional Instructions into his Consideration and was pleased with the advice of His Privy Council to approve of the said draft of Instructions (which is hereunto annexed) and to order as it is hereby ordered, that His Grace the Duke of Newcastle His Majestys principal Secretary of State do cause the same to be prepared for His Majestys Royal use as
Signature

A True Copy

M. Sharpe

Rec^d 28 Oct. 1732

Read 4 May 1733



B P R O South Carolina B I let 7

E 72

Charles Town 28th Sept 1732

To the Lords of Trade

My Lords

My last was of the 2^d of June last I think it my duty to acquaint your Lord^{sh} that since that, this Town has been afflicted with a violent malignant fever which few have escaped and in about two months time has carried off 150 Whites besides a great many slaves. there are about 3000 Souls in all the Town. I thought it my duty not to quit the Town in their Extremity, and I have lost a son and three servants: hardly anybody who ventured to Town from the Country escaped it, and almost all of them died. it fell hardest upon new comers it is imagined it was brought in by a vessel from the Leeward Islands. thank God it is now almost over but people dont yet venture to Town from the Country this illness has made it impossible to meet the Assembly, by advice of the Council I have prorogued them to the first Tuesday in November. it has put a stop to all public business being transacted since my last.

We have been alarmed by two of our Indian Traders having been killed near the Creek Nation in their way thither. but that nation disavows the fact, and all our people who are amongst them are safe and civilly treated we have not yet discovered the murderers, but we apprehend it has been done by some Spanish Indians at the instigation of the Spaniards of St Augustin to terrify our traders from remaining at the Creek Nation that they may not have an opportunity of putting those Indians upon opposing the Spaniards building a fort and re-settling the province

Province of Apelache in that neighborhood out of which they were drove about 30 years ago in my Fathers government of this Province. they have actually we are informed. begun the building a fort there, tis the Kings ground by right of Conquest. but how far the not having kept possession will make it not so I leave to your Lord^{ps} consideration. I have done all I could by my Agents among the Indians to induce them not to suffer them. but they have a party among the Creek nation as well as we.

I have an account from our Agent M^r Juxy that your Lord^{ps} have been pleased to report to the Treasury against His Majestys confirming the Quit Rents act. but he has not given us your Lordships objections. so can say nothing upon that head all I know is that it was obtained with much difficulty. that we judged it very much for his Majestys Service. that the Indulgencie shewn relating to the confirming bad Titles are of such a nature that would not hurt his Majestys Quit Rents £10 a year I verily believe except the Patents subsisting from the late Proprietors for Landgraverships and Baronies which people have purchased under and made large Improvements upon and think they have a right to. By Archdales Law which this repeals and consequently reckon they gain no superior advantage by this Law but on the contrary give up many they had by it. which Law they design to fly to for redress if the Quit Rent act is repealed and I greatly fear will occasion great uneasiness discontent & confusion if it be His Majestys pleasure to let the Law subsist. and to let me know what additions Explanations or alterations would be approved of I should not despair of obtaining them. but by a Repeal our duties are
lost

lost, provisions for new comers defand, Our debts unpaid, and all Taxes left to be raised upon real and personal Estates only which no Colony does and what I am afraid they will never come into. tis my duty to give my sentiments but submit all to your Lord^{ps} better judgement. I cannot help giving your Lord^{ps} an Instance of the hardships that would attend people. M^r Soundes for example had a Grant of 5 Baronys each of 12000 acres. I am informed by some of the purchasers that he has sold almost all the Land, and has received 2500 or £3000 Sterl for the purchase and has been so cunning as to give no General Warrant, so these people are left in the lurch, and Soundes I hear is a great stickler against the Quit Rent Law he being now out of the question, and it will fare worse with many others who have been at a great charge already in settling bad Lands. I beg leave to take notice that I have been so cautious as to confirm none of these Titles, nor to grant Warrants for surveying any Lands upon them till I know His Majestys pleasure about the Quit Rent Law so these Titles remain as hitherto for me, as they were which caution I hope your Lordships will approve of. I beg leave to observe that your Lord^{ps} may remember that the Attorney Generals opinion of those Grants not being valid, was upon a Grant of two Baronys to my Father which I find by seeing others are more deficient, than others I have seen, for mine does not so much as name which province it is, whether South or North Carolina, nor indeed any Carolina at all from which I infer that perhaps if fuller grants had been shown to the Attorney Gen^l his opinion might have varied

I am in great pain for fear I should lye under your Lordships
censure

censure having had a copy of Mr Soundes Memorial sent me. which he told
 Mr Jury he designed to prefer against me. setting forth that I did not obey your
 Lord^{ps} orders in recommending to the Assembly the repealing the Capias Act
 that I did is certain and does appear by a Message of the 18th of August 1731
 which notorious falsity I hope will give him little credit with your Lord^{ps}
 for the future. he has also asserted that I have made the Marshalls place a
 perquisite of my Government, which is likewise false. I found Mr Bampflett
 Marshall I continued him till at his own request as his notorious to all
 the Province. I appointed a person of his recommending. he telling me
 he desired to be dismissed because his affairs required his going to England
 and about six months after he told me he had altered his mind. and he
 desired to be restored which I granted him and he was lately unfortunately
 drowned I defy Soundes to prove I had any profit by this but did it only
 to serve a man I thought was worthy of the place and one Mr Popple had
 a friendship for. Mr Soundes has sent no Exemplification of his Patent
 nor appointed any Deputy. in the mean time the office must be supplied, so
 how I have wronged him above £200 as he has told my friends. I cant find
 out nor he neither. I am sure tis very hard to have my Actions so misrep-
 resented. by one that has cunningly made this Province his property by
 the late Lord^s prop^{rs} neglect. to the amount of £4000 or £5000. Sterling
 nobody knows for what other merit. than a consummate assurance
 pretending to know everything. betraying everybody and altering his
 opinion as often as he finds it for his interest I find his malice towards
 me proceeds from my giving your Lord^{ps} my opinion that the Assembly
 will

will hardly ever be brought to enforce the Summons Law and I found it so when I sent to them about it. That Law was disannul'd before my time I have no interest one way or other in it. tis my duty to give your Lordships my opinion of things. I obeyed your orders and recommended the repeal of it. but to no purpose it now lies with your Lordships to report as you please about it. but am sure your Lordships wont think a Legislature of a Province is to pass Laws they disapprove of. purely to serve Mr. Lowndes Interests. or because as he sets forth his interest is hurt. that is he wont have so good an opportunity of getting £1000 Sterling which is his price for the Marshalls place not intrinsically worth £700. altho the Capias Law was repealed: the hopes of which keeps him from letting it for fear of depreciating the sale of it. for he is sensible that nobody that knows the value of it will give him above £50 or £60 a year for it.

Governor Burrington has by letter desired a Gentleman of this Province to advertise in the News papers printed in Charles Town that all land on the north side of Macamaw River is by the Kings Instructions in North Carolina Government. and whoever has a mind to take up Lands there must take out their Grants in North Carolina. Your Lord^{ship} may remember how much he insisted at your Board to have all Macamaw River the Boundary of the two Governments. and that you were pleased to allow him but only 30 Miles to the South of Cape Fear River. keeping the Course of that River to the Head thereof. but he now interprets the latter part of His Maj^{ty} 110th Instruction his own way waives the first part of it. and says because Macamaw River does 100 or 200 Miles from the Sea come within 30 Miles of Cape Fear River. that River is to be the Boundary from the Mouth of it. I did a 12 months ago by the
 Advice

Advice of the Council write him word that we would send Comm^{rs} to meet him and settle the Boundaries. but he has not answered that Letter, and now desires the aforementioned advertisement to be published, which makes it appear what he designs to insist upon, and I fear no boundary can be settled unless your Lordships will please to declare that the Intention of that Instruction is, that he shall have no more than 30 Miles to the South of Cape Davi River, unless the Mouth of Macamaw River lies within 30 Miles of Cape Davi River, which it does not for it is near 90 Miles, and comes into Wymaw Bay as was made appear to your Lordships by the Map then before You. for the River keeps a course parallel to the Sea a great way, and makes a great neck of Land, which would bring his Boundary into the Bowels of our present Settlements on that side of the province, therefore hope your Lord^{sh} will please to continue the intention of the Instruction, and let him and me know your pleasure. I am with great respect. My Lords

Your Lord^{sh} most obed^t & most humble Servant

Rob^t Johnson

Rec^d 22 Dec 1732

Read 27 Aug 1735

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B. P. R. O. South Carolina D. D. Vol 7

E 73

Charles Town 9th 28th Sept^r 1732

To Allured Poppel Esg

Sir Inclosed is a Letter to their Lordships. M^r Juxy has sent me a Copy of a Memorial. M^r Sowndes told him he intended to present against me the Copy of which I enclose. I am astonished at the impudence of the Man in asserting I did not recommend their Lord^{ss} Orders to the Assembly relating to the Summons Law. which upon my honor I did, and the Comm^a of both Houses appointed to correspond with M^r Juxy do by this conveyance testify the same to him. and his assertion that I appointed a creature of my own Marshal and made it a perquisite of my Government is as false. I have no other concern about the consequences of these false Representations. but that they may have made some impression to my disadvantage on you. as not knowing the Truth. but I do assure you I have always so great a regard for your Friendship that I am Incapable of doing anything to forfeit it. and that however he may have represented to you the affair of the Marshall the fact is as I have represented to their Lord^{ss} and what I did for the unfortunate man M^r Sampfield was in pure respect to you. for I believe you will allow I did every thing to serve him. the Comm^{ee} does likewise tell me they touch this affair in their Letter to M^r Juxy. I am under a great affliction for the loss of the best of wives and a son but am always Sir

Your most obedient humble Servant

Rob^t Johnson

P. S. The ship this packet comes by. being to touch at Dublin to take in
a

a pilot for Liverpool. I did not think proper to send the Lords the Journals of the General Assembly by that conveyance, but shall not fail doing it by the first safe opportunity. I send you inclosed a List of papers, in which you will find a Minute that will better satisfy you that the Lords Letter relating to the Summons Law was sent by me to the Lower House of Assembly, the List is writ by the late Clerk of the Council I know it to be his hand, and the present Clerk of the Council who knows his writing and hand very well has attested it as such. R. J.

(Inclosure) A list of papers sent by His Excellency to the lower House of assembly
10 August 1731

1. 1730 Nov 23 Copy of the Report of the Lords of the Comm^{rs} for Granting Stores for the province of South Carolina. 2. Dec 14th Copy of the Order in Council to the B^d of ordinance about granting Stores for the province of So. Carolina. 3. Dec. 14. New Estimate of Stores for So. Carolina. 4. Acc^{ts} of money disbursed in soliciting for Stores. 5. Dec. 24. Letter from the Lords of Trade with the Opinion of the Att^y and Solicitor Gen^l relating to fines and Recoverys. 6. 1731 Apr^l 2. Another Letter from the Lords of Trade about the Summons Law. 7. Apr^l 2. M^r Sharpes letter about the Stores. 8. 4 May. Invoice of the Stores of War put on board the Loyall Judith by His Maj^{ty}s Order for the use of South Carolina

Charles Town South Carolina 6 Oct. 1732

I do certify that the above written List is the handwriting of the late M^r Henry Hargrove who was clerk of the Council at the time of all the dates mentioned as above Witness my Hand

James Badenhop Cl^k Com

Rec^d 22 Dec 1732
Read 27 Aug 1735

B. P. R. O. A & N. S. Vol. 19. p. 16.

Charles Town ye 6th Oct. 1732

My Lord,

I have had the Honour to receive from Your Grace, His Majesty's Additional Instructions, dated from St James's the 5th of May 1732 relating to greater Dutys and Impositions being layd on the Ships and goods of English Merchants, than Natives and Inhabitants of the Plantations.

I have examined what Dutys are paid in this Province in English European Ships or goods and there is only Two and half p^{ts} of our Currency upon the Prime cost of Goods from Europe in General which in sterling Money is Eight shillings and Three pence, which Duty is appropriated towards maintaining a watch in Charles Town, and the Act is almost expired, I shall take care not to consent to the renewing it, the Dutys upon American Goods imported here are much higher.

I am with the greatest respect and Submission

My Lord

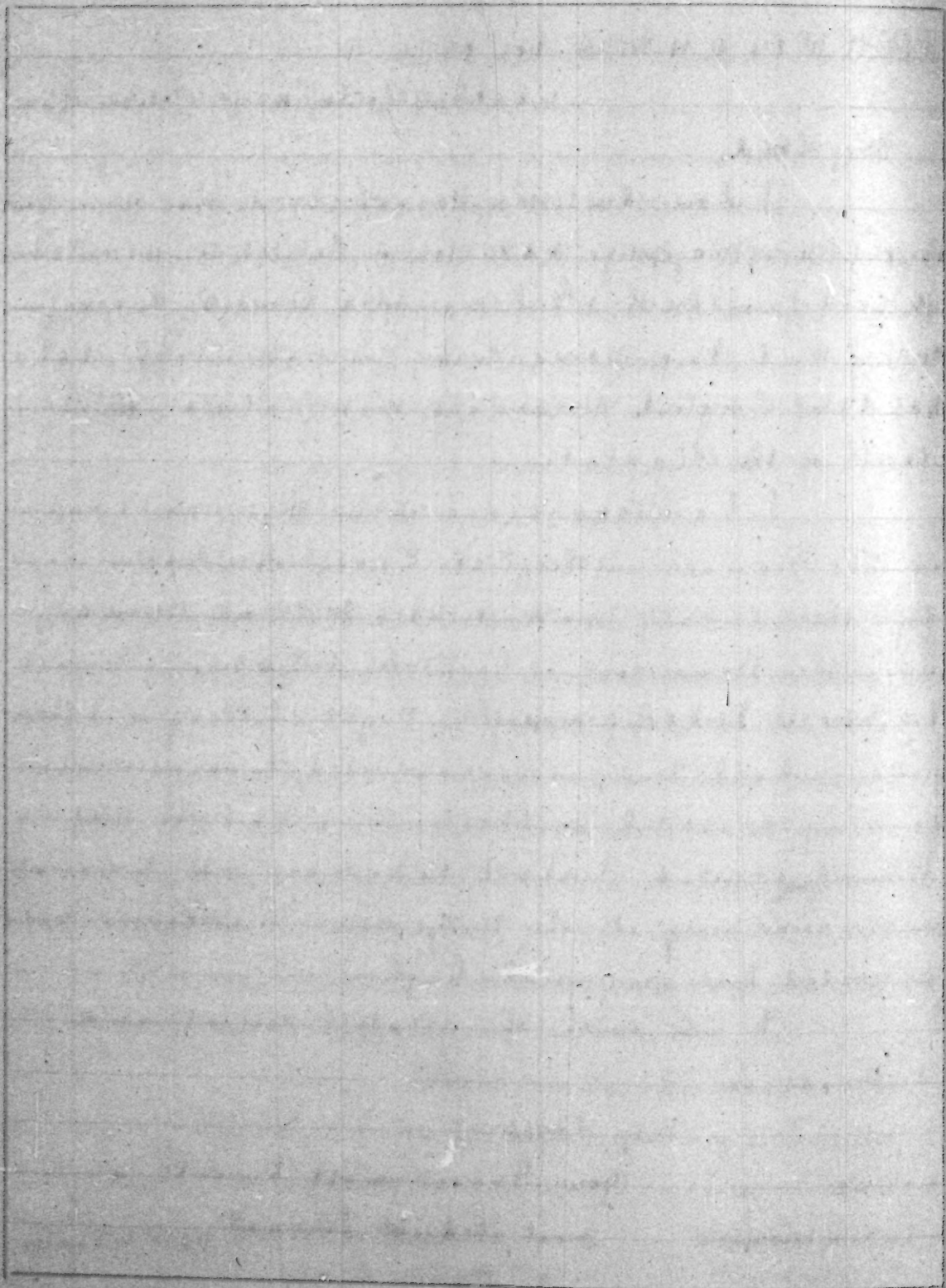
His Grace

ye Duke of Newcastle

Your Graces most humble and

most obedient Servant

Robt Johnson



B. P. R. O. a + N. S. Vol. 19. p 17.

Charles Town the 6th October 1732

My Lord

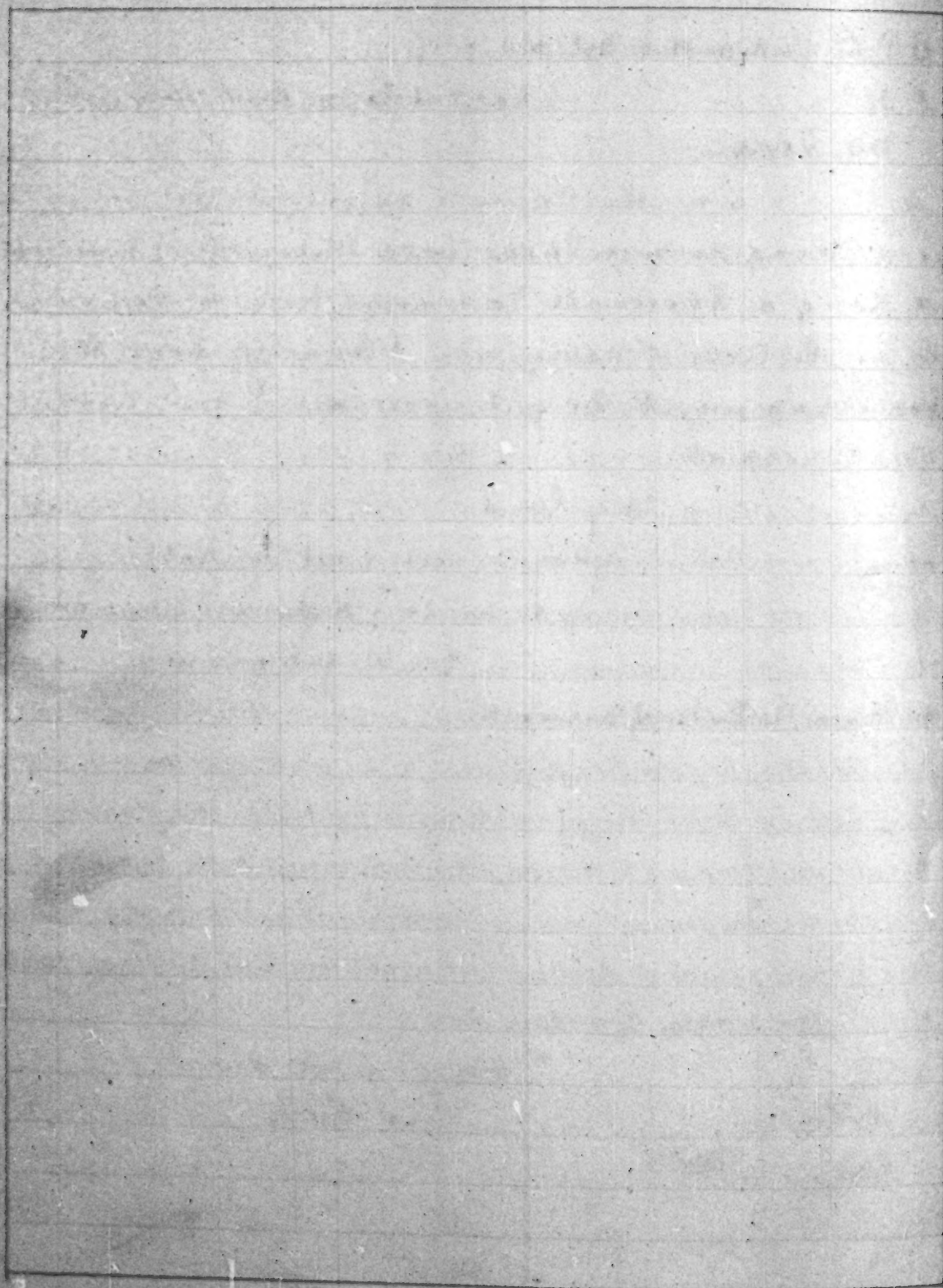
I am this Minute informed that application is making to your Grace for a Patent for Naval officers, it being a Place all Governours have the Nomination to, by the Acts of Navigation. I humbly hope that hardship won't be put upon me. I am with great respect

My Lord

your Grace's most Humble
and most Obedient Servant

Robt Johnson

His Grace the Duke of Newcastle



B. P. R. O. South Carolina B. 2 Vol 5

D. 32^a

Rec^d Chancery 6 October 1732

To Mr. Popple

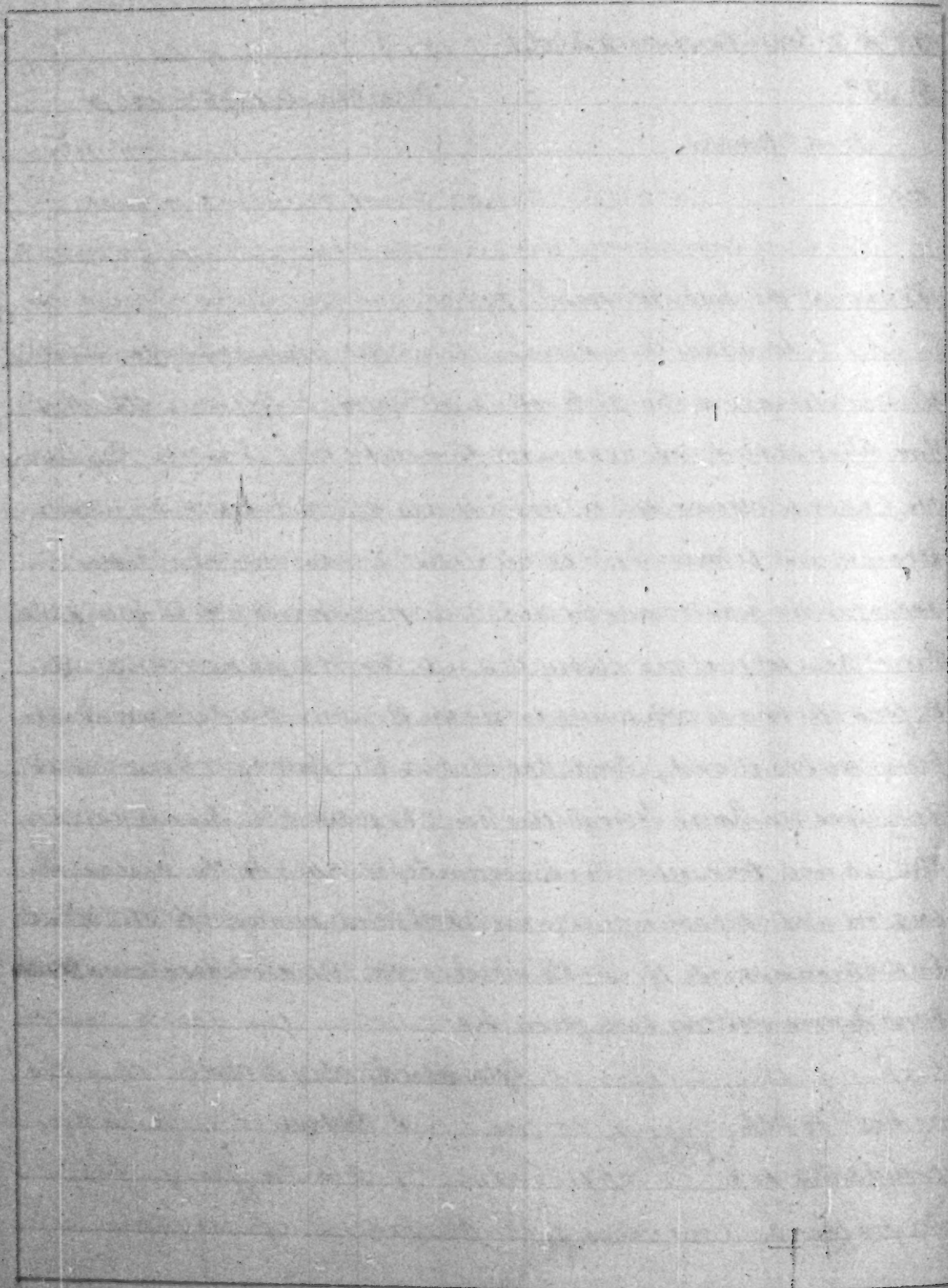
Sir

The Lords Commissioners of His Majesty's Treasury having pursuant to the desire of the Lords Commiss^{rs} for Trade and Plantations signified to me by your Letter dated the 7 day of taken into consideration the Act passed last year in South Carolina for Remission of Arrears of Duties &c as also some observations made thereon by Benjⁿ Whitaker Esq late His Majesty's Attorney Gen^l in South Carolina together with His Majesty's Attorney and Solicitor Gen^{ls} opinion upon a case laid before them relating to the Grants made by the late Lords proprietors to the Landgraves there. Copies whereof accompany this. My Lords direct me to return you the said Act and to acquaint you they are of opinion that the same is not proper for His Majesty's Royal Approbation the whole tenor thereof encroaching upon his Royal Prerogative being prejudicial to His Majesty's Revenue and contrary to His Majesty's Instructions to the Governor The said Act also confirming large and exorbitant Grants pretended to have been formerly made of Lands which would very much discourage private persons from settling there I am Sir

Your most humble Servant

J. Laroche

Rec^d 10 Oct } 1732
Read 25 do }



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B. R. R. C. South Carolina (RT.) Vol. 26. p. 54.

Whitchell

Nov: 1st 1732.

To the King's Most Excellent Majesty

May it please Yo^r Majesty.

An Act was passed in Yo^r Majesty's Province of S^c Carolina, on the 20th of Aug^t 1731, Entituled An Act for Remission of Arrears of Lint. Rents & for Registering of Patents, Grants, or Memorials of Patents + + + & Grants and Memorials of Title Deeds, for the better - ascertaining & regulating the payment of His Majesty's Lint Rents for the future, and for the supplying the Defect of those Patents & Grants, where any Errors have been meeted out, and, ascertained to the Patenters or Grantees; and of the Titles of Persons claiming under the same Patents and Grants; And for the Confirming & establishing y^e Titles & Possessions of the free Inhabitants of this Province to their respective Lands Tenements, & Hereditaments within the same, and for keeping the Office of Publick Register of this Province from being to the other Office or Offices appointed or to be appointed by His Majesty, for - Registering, Enrolling, or Recording of Grants, or Deeds

Deeds, & for Suspending the Act for calling in, & —
 sinking the Paper Bills, and for appropriating the —
 Money's arisen or to arise by Virtue of an Act, Entituled
 for granting to His Majesty a Duty & Imposition on
 Negroes, Liquors and other Goods & Merchandises for y^e
 use of the Publick of this Province, to y^e Services
 of this Province, And for repealing of an Act to
 Ascertain the Prices of Lands, the Form of Convey-
 ances, & the manner of recovering of Rents for
 Lands, & y^e Prices of y^e Lev^d Commodities, the
 same may be paid in, passed y^e sixteenth of March
 One Thousand Six hundred ninety five; and for
 repealing part of an Act of y^e Gen^l Assembly; —
 Entituled a Declaratory Act, concerning sev^l Acts of
 y^e Gen^l Assembly of this Province that are repealed;
 And also concerning the Adjournments of the Com-
 mons House of Assembly passed the Eighteenth of
 September, One Thousand, Seven hundred & Thirteen.
 Which being an Act of great Consequence to y^e Ma-
 jesty's Revenue. We thought proper before we represent-
 ed Our Hon^{ble} Sentiments of It, to your Majty to lay
 the same before y^e Lords Commissioners of y^e Maj-
 ty's Treasury, who have returned us their Opinion
 upon It, in a Letter from their Sec^y M^r Scrope, dated
 y^e.

y^e 6th of the last month in y^e following Terms.

That y^e Lords Commissioners of Your Majesty's Treasury had pursuant to that Desire taken into Consideration the Act passed last Year, in South Carolina for Remission of the Arrears of Sub. rnts &c. as also some Observations made thereon by Benjⁿ Whitaker Esq^r late y^e Majesty's Attorney Gen^l in South Carolina together with y^e Opinion of y^e Majesty's Attorney & Coll^l General upon a Case laid before them, relating to the Grants, made by the late Lords Proprietors to the Landgraves there, and that the said Lords Commis^s were of Opinion that y^e said Act is not proper for y^e Majesty's Royal Approbation, the whole Tenour thereof. Encroaching upon Your Majesty's Royal Prerogative being prejudicial to Your Majesty's Revenue & Contrary to Your Majesty's Instructions to the Governor of South Carolina. The said Act also confirming large and exorbitant Grants pretended to have been formerly made of Lands which would very much discourage private Persons from settling there."

We have also read great Lights upon the several points contained in this Act, from y^e papers that have been transmitted to us by Mr S^r John, Deputy Auditor of South Carolina, as well as from y^e Report
aford

aforesaid Mr Whitaker, lately Esq^r Majesty's Attorney Genl^l in that Province.

And we beg Leave to take Notice, that soon after Your Majesty had been pleased at a very considerable Charge to purchase the Sovereignty of y^e Province of South Carolina, together with seven eighth parts of the Land thereof, & the same proportion of the Quit-rent alleged to be due & in Arrear from the Inhabitants to the late L^{ds} Proprietors, y^e Majesty was graciously pleased, as a Mark of Your Royal Bounty, and Fatherly Indulgence to y^e People of this Province, to empower y^e Governor to give his Assent to a Law for remitting the said Arrears, provided y^e Assembly should by the same Law repeal one formerly consented to by the Lords Proprietors, Entituled An Act to ascertain the prices of Land, the Terms of Conveyances, & the Manner of recovering of Rents for Lands, and the prices of y^e Scot Commodities the same shall be paid in. And should thereby provide that all possessors of Land in that Province should forthwith register the respective Grants, by which they claimed such Lands, in the Office of y^e Majesty's Auditor Genl^l or his Deputy, Copies of which Register & of all Grants to be made for y^e future

future, should be transmitted to Your Majesty & to
 Yo^r Commissioners for Trade & Plantations, and that
 every Person possessing Land in y^e said Province
 by Virtue of any Grant from y^e late L^{ds} Proprietors
 should for y^e future pay to yo^r Majesty Your Accest-
 Successors, the Annual L^{and} rents reserved upon
 such Lands respectively in Proclamation Money.

Other Instructions were also given at y^e same
 time by Yo^r Majesty to y^e said Governor for as-
 certaining & collecting Your Maj^{ty}'s L^{and} rents
 there, which were calculated for y^e Common & to
 Ciprocal Interest of the Crown, & the People of that
 Province; Copies of which Instructions are hereunto
 Annexed together with Copies of sev^l other Papers -
 relating to that Matter, rec^d from the aforesaid
 M^r St John & M^r Whitaker, as also of the Opinion
 of Yo^r Maj^{ty}'s Attorney and Sol^r General upon
 the Grants of the late Lords Proprietors to Land
 Graves in South Carolina.

But altho' the Act in Question hath been
 passed under Colour of these Instructions, yet we
 cannot help agreeing in Opinion with y^e Lords
 of Your Majesty's Treasury, that it is very far
 from answering the Intent of them; and we find
 Our.

Ourselves obliged humbly to represent to yo^r Majesty
 that this is a very partial Act, Calculated for the
 Interest of some particular Inhabitants of Se
 Carolina, to y^r prejudice of your Majesty's just
 Rights & Claims in that Province; that new & ex-
 orbitant Advantages are therein stipulated for the
 Benefit of particular Persons in the strongest Terms
 Obsolete & Void Grants of Vast Tracts of Lands there-
 by revived & Confirm'd, to the great discouragement
 of such Persons as might be disposed to settle &
 cultivate the same, the Value even of the ancient
 Quit-rents diminished; the lawfull Power & Right
 of y^r Crown invaded & neglected; and both the
 Establishment & Collection of yo^r Majesty's Quit-
 rents so ill settled & regulated as to be left im-
 practicable or at least very precarious.

For these Reasons therefore we beg leave to
 lay this Act before your Majesty for your Dis-
 approbation, & we would at y^e same time humbly
 propose that yo^r Majesty should be pleased to refer
 the same, together with all y^e Papers hereunto an-
 nex'd, to yo^r consideration of yo^r Majesty's Attorney
 & Solicitor General, directing them to prepare the
 Draught of a Bill for the ascertaining and more
 easy

easy Collecting of Your Majesty's Lint-Rents in that Province, and for the due payment thereof in Proclamation Money, agreeable to the Intention of Your Royal Instructions, That Your Majesties bounteous Design of remitting to the Inhabitants all Arrears of Lint-Rents, due at the time Your Majesty purchased this Province from y^e L^{ds} Proprietors may take place to produce y^e desired Effect, and that in the said Bill proper Provision be made as well for preserving the Rights & Prerogatives of the Crown, as for encouraging the Settlement & Cultivation of the s^d Province, and that Your Majesty's Governor of South Carolina may be instructed to recommend y^e same to the Assembly.

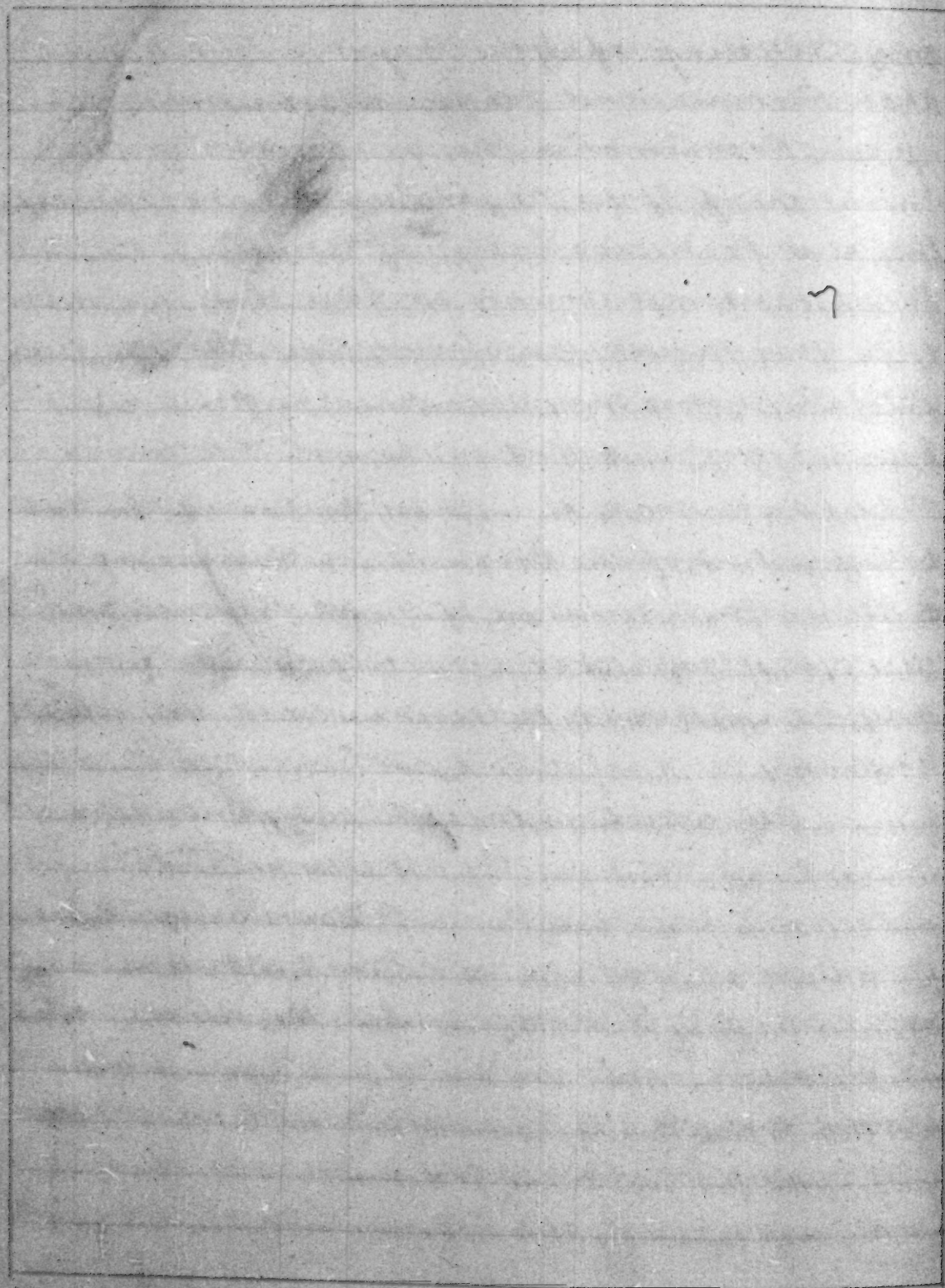
All which is most humbly Submitted.

Westmorland.

P. Doernirique.

Marⁿ Bladen.

Ja. Brudenel.



B P R O South Carolina B 3 vol 7

E 7/4

Charles Town 3 November 1732

My Lords

In pursuance of your Lord^{ships} commands signified to me by Mr. Phipps letter of the 16th of June last I have strictly enquired into and do now transmit your Lordships the best account I can of the Laws made Manufactures set up or Trade carried on here that do in any way affect the Trade or Navigation of Great Britain and shall punctually Obey your Lord^{ships} commands in transmitting to you annually such an account

And first for the Laws there are not any that I can learn more than one for laying a duty of one half per centum on Goods imported from Great Britain for paying and supporting a Watch in Charles Town which will expire the next Session of the General Assembly and shall not again be revived. His Majesty having instructed me to the contrary

Secondly as to Manufactures, that may interfere with those of Great Britain here are scarce any here worth naming some few fine Hats are made but not a tenth part of what we import from Great Britain Some Calf Skins for shoe Leather are manufactured but no large quantities from 12 to 15000 Sides of Sole Leather are annually shipped off to the other British settlements. but greater value of Shoes are imported from Great Britain for men women and children. About 2000 Yards of Coarse Cotton with Woollen mixt Cloth for Negro Clothing is annually made here but above 70.000 Yards imported from Great Britain for that use

Our staple Commodities which are Exported are Rice one Year with
another

another about 60000 Barrels each 400 lbs nett, great quantities of Tar, pitch Turpentine and Deer Skins. some attempts have been made to produce Silk Hemp, Glass, Potash, and very lately Sate Board and Samplack. but not any of the former have afforded the Undertakers a suitable encouragement and the two last are still on Trial

Our Staple Commodities are chiefly exported to Great Britain, from whence we receive all our Linens, Cottons, Woollens and India Goods, coarse and Fine Hats, Thread, Worsted and Silk Hose, great quantities of Shoes for men and women, and great numbers of Negroes from Africa, which makes the Balance of Trade much in our disfavor and consequently renders it difficult if not impossible to retain any Gold and Silver coin amongst us

The other Branch of our Trade to the British plantations is very inconsiderable but the Balance of Trade with them also is in our disfavor which cause them to return our produce to Great Britain which they receive for their Balance.

To those places we send Pitch, Tar, Rice, Turpentine, Tanned Sole Leather and Light Deer Skins Indian Corn and peas, small or refuse Rice, Pine and Cedar Boards, Oak Staves and Heading, Barrelled pork and Beef, Flour, Biscuit, some Axes, Cyder, Rum, Sheep, some few Horses, Apples and Onions, Molasses, Muscovada Sugar, Limejuice and Creosote.

The Shipping belonging to the province are but few not more than one Brigantine and four or five small sloops. This my Lords is the best account I can learn and is submitted to Your Lord^{sh} consideration by

Your Lord^{sh} most obedient humble Servant

Rec^d 22 December 1732 }
Read 27 August 1735 }

Robert Johnson

B. P. P. O. A. & N. S. Vol. 19. p. 35.

(7 Nov. 1732.)

May it please Your Excellency

Upon the receipt of your Excellency's Letter, I immediately had recourse to and carefully perused all His Majesty's Instructions your Excellency was pleased to furnish me with in relation to the Office of Surveyor General, and I cannot find thereby or by my Commission of Surveyor General or any Instructions that I have received, that I am anywhere obliged, to lay the proceedings of my Office, before His Majesty's Honble Council to be stated and canvassed before them, as your Excellency requires me to do by your Letter.

But least I should be mistaken in my Duty which I would carefully avoid, or give your Excellency any offence, I desire your Excellency would please to communicate to me any power or Instructions you have received from His Majesty which enjoined me so to do, whereupon I shall endeavour to give your Excellency and His Majesty's Honble Council, all possible Satisfaction so far as I conceive my self obliged thereto by any such Instructions.

As to the other part of your Excellency's Letter, which require me 1st to give your Excellency an account
what

what charge is paid to me or my Clerk for the Dep-
 utation and Instructions made out to my Deputy.
 I humbly conceive it to be a matter of private Contract,
 yet for your Excellys Satisfaction, I have ordered
 a List to be made of all the Deputys I have appoint-
 ed, in order to be sent to your Excelly, that
 your Excelly may Examine them to this point
 if you see cause, and I believe your Excelly will
 find, I have exacted nothing unreasonable.

As to your Excellys third command, I have
 ordered a List to be made out as soon as possible
 of all the Platts, that I have Certified by Virtue
 of Your Excellys Warrants.

But as my precepts go for the whole Quantitys
 expressed in your Excellys Warrants, The List of the
 Platts Certified will make appear to your Excelly
 how many of your Excellys Warrants have been executed
 in entire Tracts, and how many have been run out
 in Parcels, will be discovered by your Excelly at the
 first view, by comparing the List I shall send your
 Excelly with the Entries of your Warrants in the Survey
 Office, and by subtracting the Quantity Certified
 from the whole Number of Acres Specified in each
 Warrant, it will be seen, what part of such Warrant
 is

is still unexecuted.

As the precept on your Excellys Warrant is my Authority and my precept is my Deputys Justification The Deputy makes a regular return of the execution of the Precept by making Certificate upon the Duplicate of the Platt by me Certified, which remains as a Record, and clearly shews what has been done in Execution of your Excellys Warrant as your Excelly has been made already acquainted by Mr Whitakers representation. I hope your Excellency does not expect, that I shall produce all the Records of my office before His Majties Council, or that I should part with any of them out of my Custody; but if your Excelly desires to be Satisfied by any particular Record, I shall be ready to attend you therewith.

As to the Examination of my Deputys and their Qualifications, if the persons are altogether unknown to me or I have any reason to doubt of their Abilitys, I examine them on the Questions of which I take leave to lay before your Excelly a copy and on such other Questions as happen to occur to me. I shall always endeavour to give your Excelly the utmost Satisfaction in my power, and pay
due

due Obedience to Your Comands in all things that
are consistant with my Duty.

I am

Your Excellencys

November 7th 1732.

Most humble servant

Ja St John

a True copy Ex^t by
J: Badenhop Sec^y Gen.

To his Excelly Robert Johnson Esqr Gov^r &c.

B. P. R. O. A + N. S. Vol. 19. p. 18.

(10 Nov 1732.)

Sir,

I was so troublesome to you when in England that I should not repeat it againe at this time but on this particular Occasion.

The Assembly of this Province in making their Quitt Rent Act, have taken upon them to provide and dispose of what his Majesty has Granted in the Patent to Mr Bertie and myselfe, the Place of Register. By the Patent the King has been pleased to Grant for our lives or the longer lives the Employments of Secretary and Register of this his Majestys Province. The Patent bears date 11 Feb: eight months before the Act was made and I imagine they might as well a provided for the Secretariys as that, we having the same Right to one as tother, the Registry is worth Sixty Pounds p Ann. Ster^l, and the Secretary does not Exceed 200^l a year, out of which I am obliged to pay Mr Bertie 80^l a year, & a Clerk here 40^l.

Sir I humbly desire the favour of you to acquaint my Lord Duke with it, and desire his Grace to take notice of it in Councill when the said Act
is

is in debate, that it may be rectified to Mr Bertie and myself as designed, For I humbly presume it is not in the Power of any Assembly to keep from any man what His Majestys Royall L^{ts} Patents have before confirm'd & for life.

The People here are in great confusion about their Lands & Quit Rents, w^{ch} they do not care to pay, they are very obstinate and very Opinionated, and without the Parliament settles the Lawes here, nothing will be done with 'em in the Northern Province it is the same, they all believe themselves men of greater capacitys than all the Council & Senate of England.

Sir, I return you thanks for all your favours heretofore to me. and am

Y^{or} Most Obliged
& most Obedt Servt
J. Hamerton.

I beg my humble
Service to Mr Forbes

South Carolina
10 Nov^r 1732.

B. P. R. O. Art. W. J. Vol. 19. p. 19.

Charles Town in S^c Carolina

My Lord,

Nov^r 21st 1732.

I do myself the Honour to acquaint y^r Grace that pursuant to His Majestys 39th Instructions I have with the Advice of his Majesty's Council, thought fit to call a Court of Exchequer, to be holden in this Province, so often as Occasion shall require, There being several Informations already exhibited, for Trespasses committed on His Majestys Lands, which I have ordered the Attorney General to prosecute and further that I think it highly necessary for His Majestys Service that a constant Court be Established here.

If your Grace shall approve of this proposal It will require that a Chief Baron, Puisney Barons Escheators and several other Officers, be appointed, the Allowances or Sallarys to whom will Occasion some Expences, which I am wholly at a loss how to provide for.

This Court being entirely Erected for His Majestys Service, the Assembly will not be prevailed on to give any allowannces to these Officers, and I cannot propose any other way to defray that Expense than

then out of his Majestys Revenues here, But submit
it to your Grace's consideration

I am

My Lord

your Graces

Most Obedient Servant

Robt Johnson.

B. P. R. O. South Carolina B. 2. vol 7

E 75

Charles Town 21st Nov 1732

My Lords

I do myself the honor to acquaint your Lord^{ships} that pursuant to His Majesty's Instructions. I have with the Advice of His Majesty's Council thought fit to call a Court of Exchequer to be holden in this Province so often as occasion shall require. There being several Informations already exhibited for trespass committed on His Majesty's Lands which I have ordered the Attorney General to prosecute. And further that I think it will be highly necessary for His Majesty's Service that a constant court be established here.

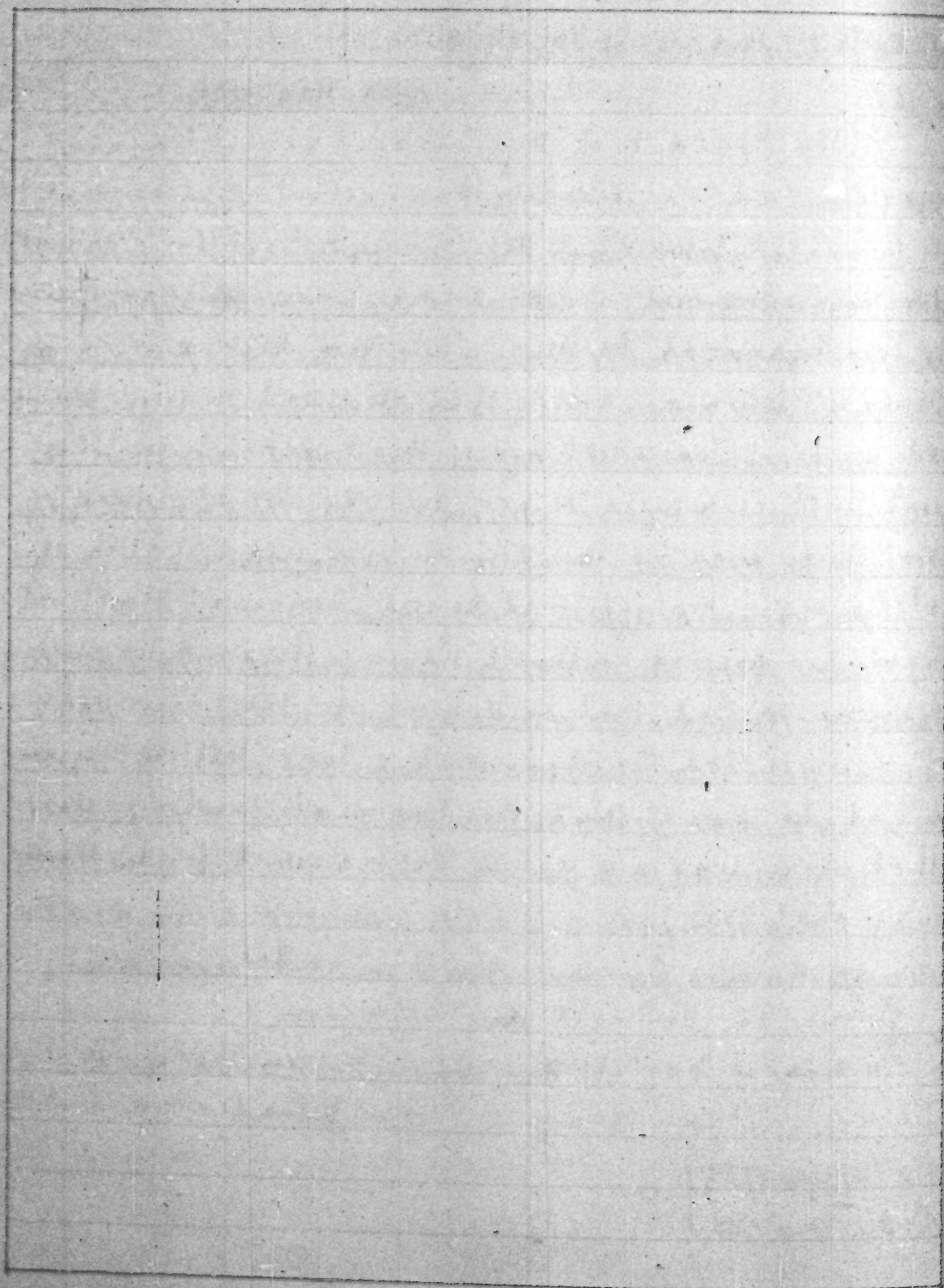
If your Lordships approve of this proposal it will require that a Chief Baron, Puisne Barons Exchequers and several other Officers shall be appointed. The allowances or Salaries to whom will occasion some Expences. which I am wholly at a loss how to provide for. This Court being erected wholly for His Majesty's service the Assembly I apprehend will not be prevailed on to give any allowances to these Officers therefore I cannot propose any other way to defray that Expence than out of His Majesty's Revenues here. But submit to your Lord^{ships} consideration.

I am, My Lords

Your Lordships most obedient Servant

Rob^t Johnson

Rec^d 9 Jan 1733 }
Read 27 Aug 1735 }



B. P. R. O. A. & N. S. Vol. 19. p. 36.

(24 Nov. 1732.)

Peter Goudet of Wyneau in Craven County maketh Oath on the holy Evangelist that he went to James Lt John Esqr the Surveyor Genl for a precept for running out a thousand Acres of Land granted to this Deponent by Warrant from His Excellency Governr Johnson, and that the said Surveyor demanded a Fee of Ten shillings of this Deponent for sd precept, wh he refused to pay telling the sd Surveyor that there was no Fee due to him upon which the sd Surveyor replied that he this Deponent should not have his precept without paying the said Ten shillings & swore by God that he defied the Governour and all of them & bid this Deponent go and tell the Governour what he said. And this Deponent further declares that there was an Act of Parliament for his demanding that Fee.

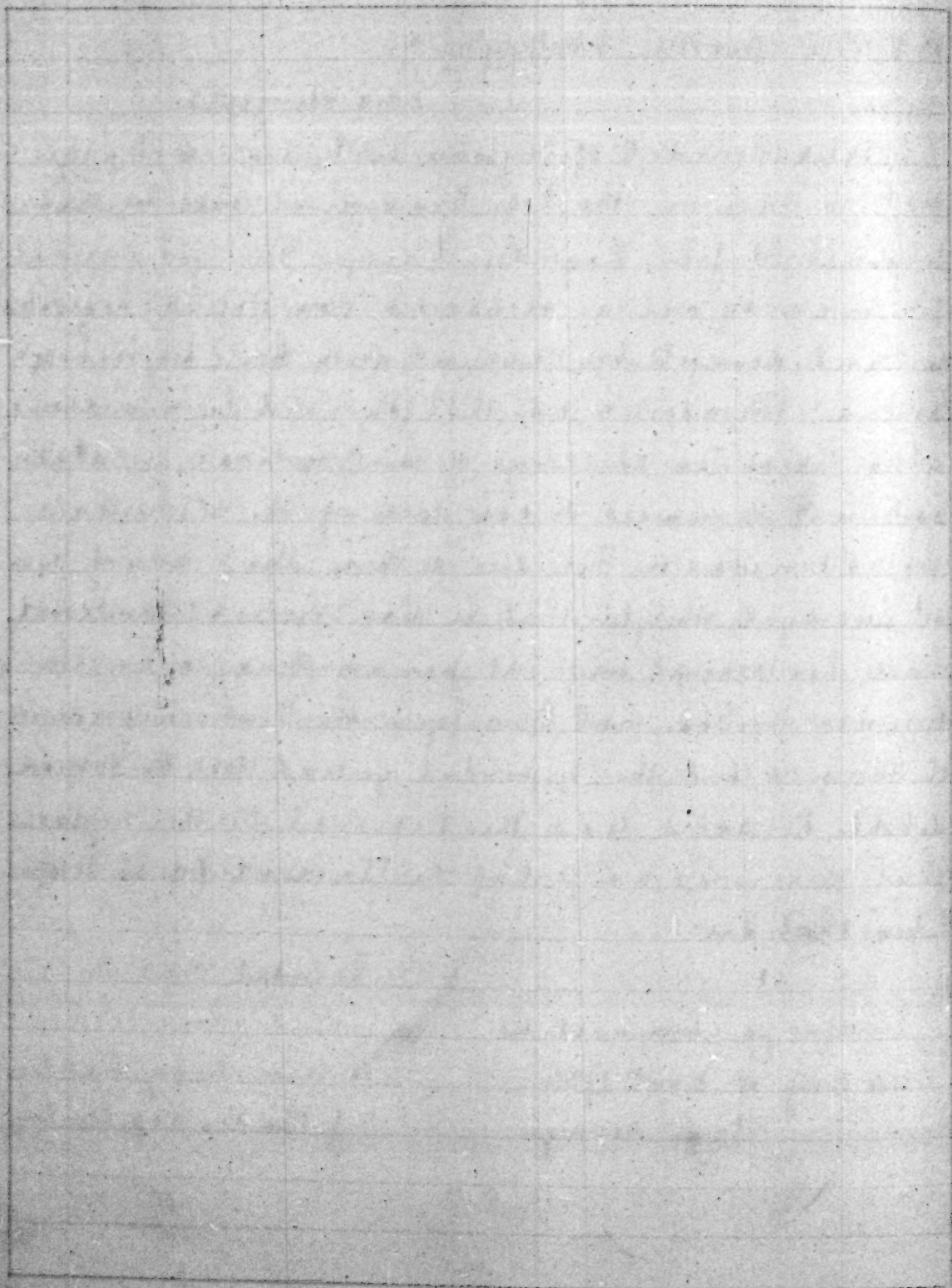
P^r Goudet

Sworn in Council the

24 Day of Nov^r 1732.

Thos Yonge

A True Copy Ex^t by
J. Badenhop Cler. Com.



B.P.R.O. A & N.S. Vol. 19. p 37.

South

(6 Oct. 1732.)

Carolina.

Before John Gibbs Esq: one by his
Maj: justices of the Peace for the said
County.

Com. Berke

John Vicaridge of Charles Town Merchant came before
me and being duly sworn saith that he this Depo-
nent has heard Mr James St John Surveyor General
of this Province say that he did not care what the
Governor Council & Assembly could do for that
he had a Better Interest at Home than any of them
or words to the like Effect, and that the Governor
had used him very Ill in appointing some of his
Council to lay out the Township: which properly
belong'd to him by virtue of his Office or words
to this Effect.

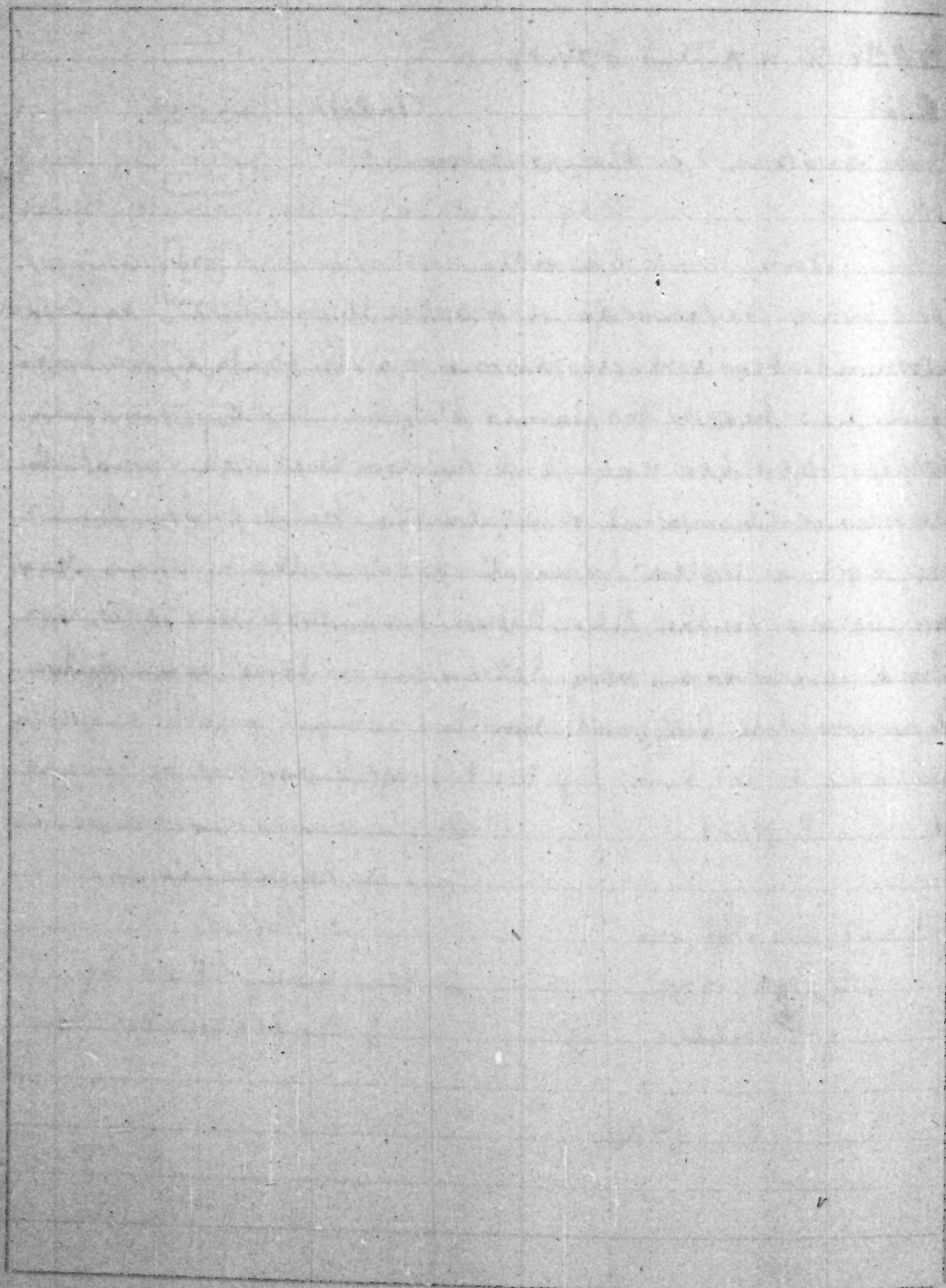
J. Vicaridge.

Just before me

6th Oct. 1732.

J^{no} Gibbs

A True Copy Est by
J. Baderhop Sec^{ry} Cou.



B. P. R. O. South Carolina B 2 vol 5

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Cockpit 5th Dec 1732

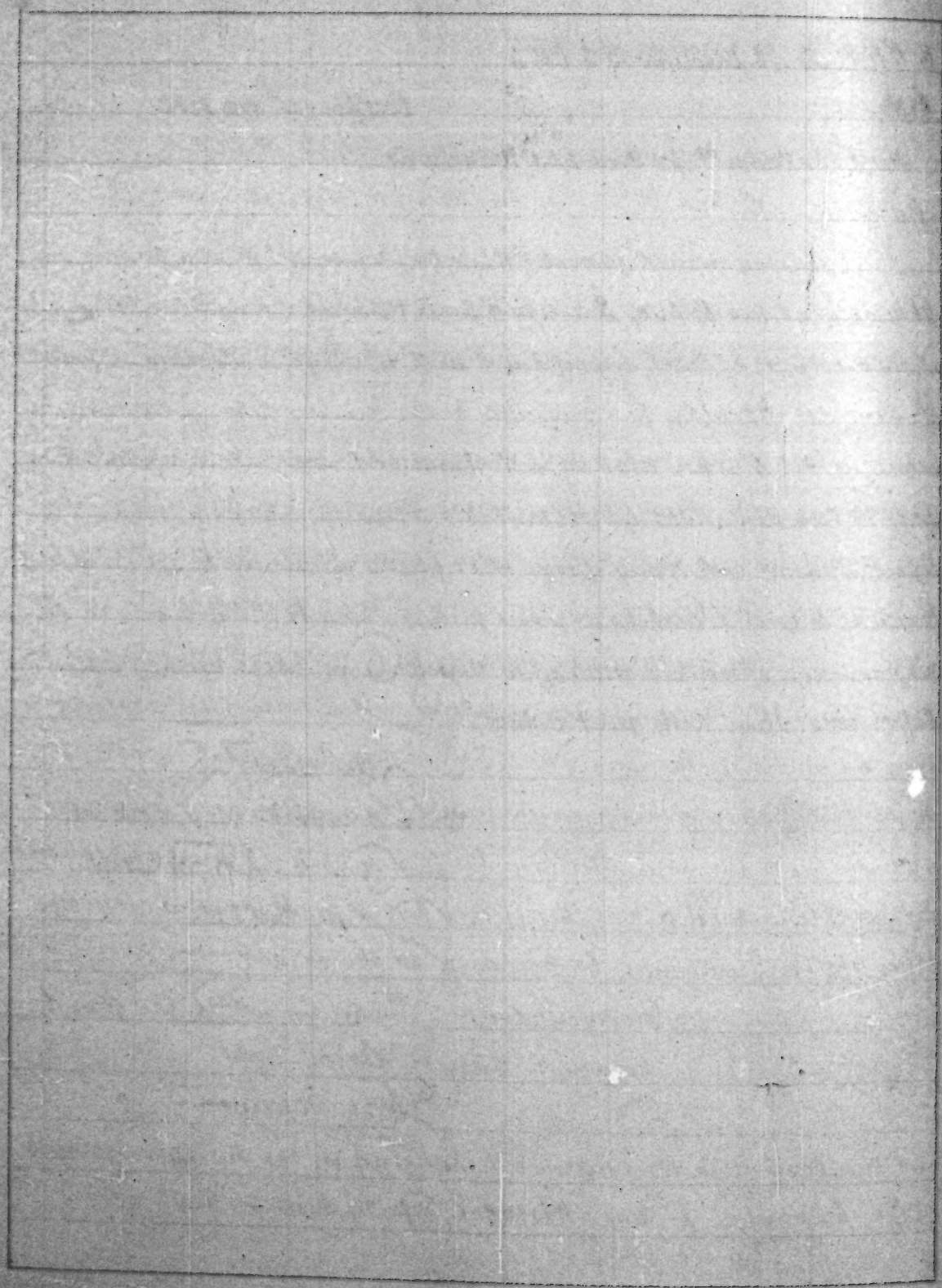
The Lords Comm^{rs} for Trade and plantations

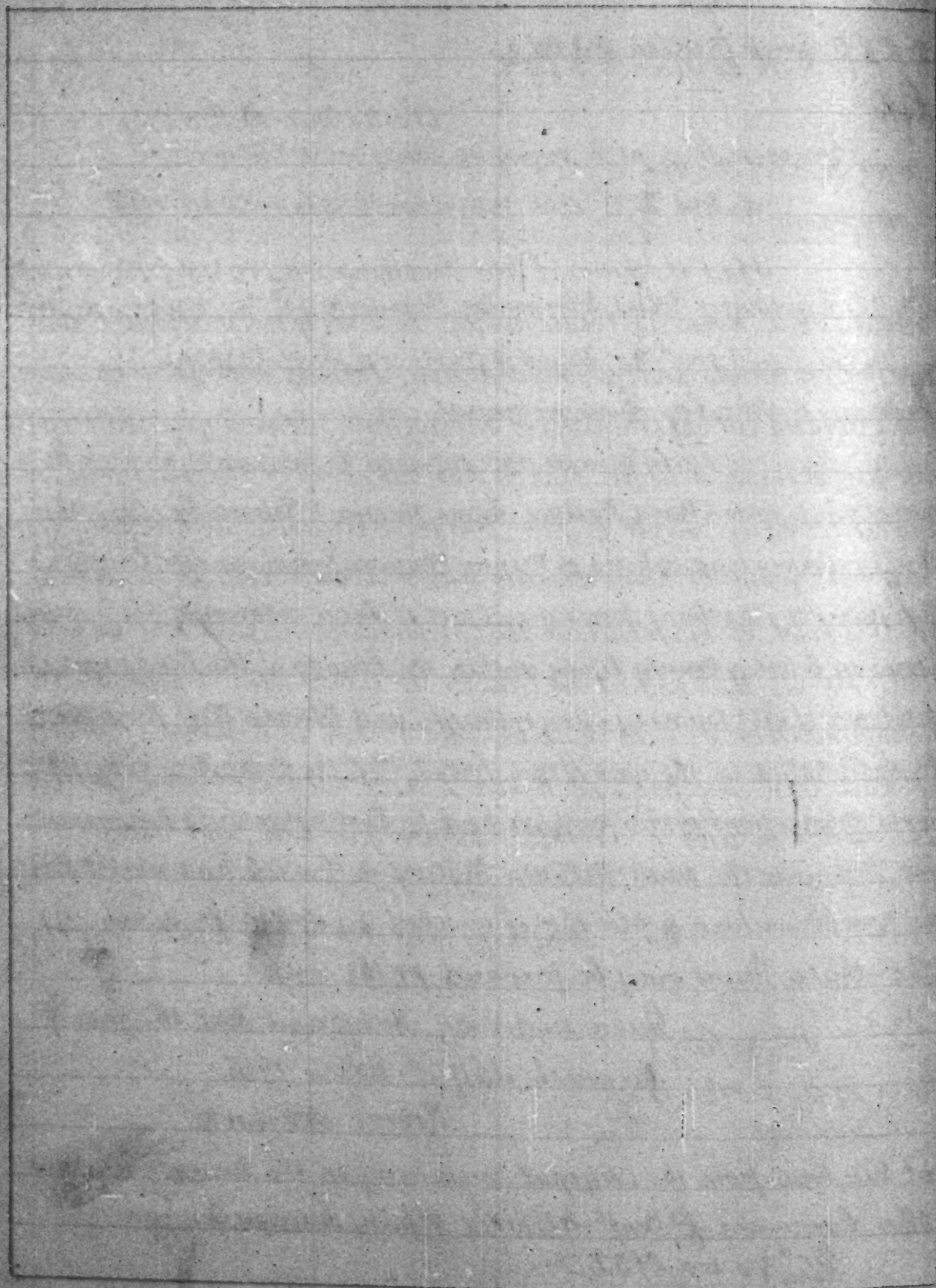
My Lords

Having received from M^r Whitaker (whom M^r St John has thought fit to appoint his Deputy Surveyor of South Carolina during his absence in North Carolina) a Letter accompanied with y^e copy of a Memorial which y^e said M^r Whitaker has presented to the Governor of South Carolina in behalf of M^r St John relating to y^e charge and Imputation against him as if he had demanded Exorbitant Fees I have thought fit to transmit a copy of y^e same with Copies of some other papers concerning y^e affairs of South Carolina to your Lordships as what perhaps may be of use to you in the consideration of matters relating to that Province which are now depending before you I am with great respect

My Lord

Your Lordships most obedient
and most humble Servant
J. Malpole





B P R O South Carolina B 2 1667

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Charles Town 15 Dec 1732

To the Lords of Trade

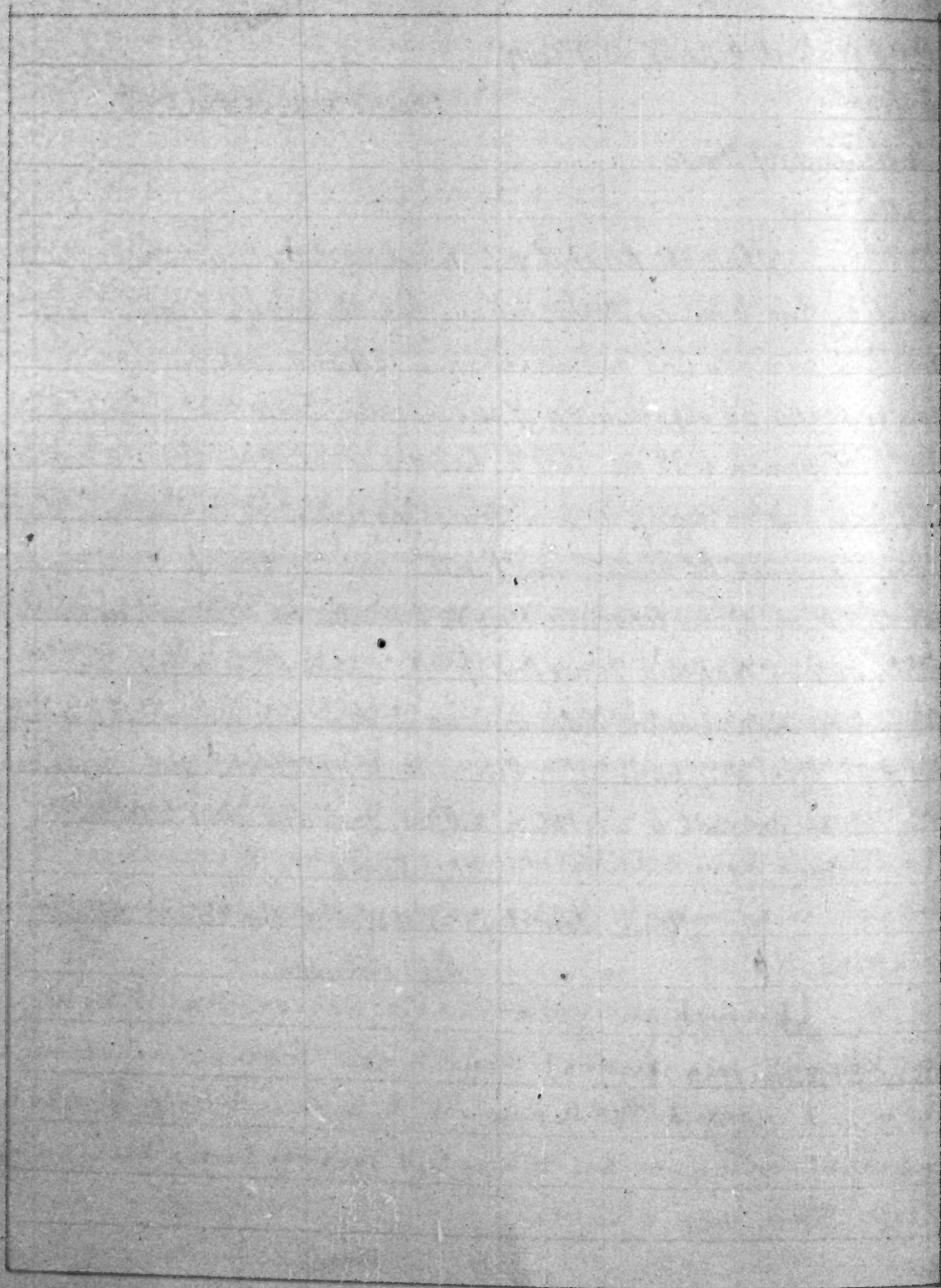
My Lords

I had the honor of your Lordships Letter by Mr. Drayton recommending him to me. as I shall always have the greatest regards to your Lordships commands and recommendation. I should with great pleasure have embraced all opportunities of serving him. I believe your Lordships will be of opinion with me. that he has put it out of my power to do him any good. and in regard to your Lordships will never do him any disservice provided he keeps himself within moderate bounds. I will only say this much of his behaviour that he has used me with such unparalleled insolence that had it not been for the respect I bear to your Lord^{ps} recommendation I would have provided for him in a manner that would not have been very pleasing to him I shall not trouble your Lordships any further on such a worthless subject. I am with great respect

My Lords

Your Lordships most obed^t & most humble ServantRob^t Johnson

Rec^d 22 Feb^r 1732₃ }
 Read 27 Aug^r 1735 }



B. P. R. O. A. N. S. Vol. 19. p. 20.

Charles Town Decr the 15th 1732.

My Lord,

In my last to Your Grace I had the Honour to acquaint You, that I had appointed a Chief Baron of the Exchequer, and that I humbly prayed His Majesty further Instructions on that subject.

Every thing is very quiet upon the Borders of North and South Carolina, Governor Barrington was indeed some time ago apprehensive that Our Indians would have disturbed those under his Government, but it afterwards appeared there was little room to suspect any commotion of that kind, and if anything material shall happen on that or any other occasion, Your Grace may be persuaded I shall always acquaint you with it, but shall ever be cautious how I take up any of Your Graces time, which is so much better employed, on more Important matters.

It is with great satisfaction that I have the Honour to acquaint Your Grace, that the Assembly have admitted Mr. Amyand to be their Clerk, by which admission one of His Majesty's Prerogatives here, can suffer no future dispute.

The

The great sickness which raged in this Province last Summer and carried off many Whites and blacks is now over, and the Province is now very healthy.

Mr Purry is lately arrived with about 120 Swedes, 50 of which are men, and the rest women and children, they like the country very well, and are very cheerful. I have taken care they should be provided with all necessaries, and doubt not but the Accot they will send to their friends of the reception they have met with will encourage many more to come and settle here which will in time greatly redound to His Majesty's honour and service.

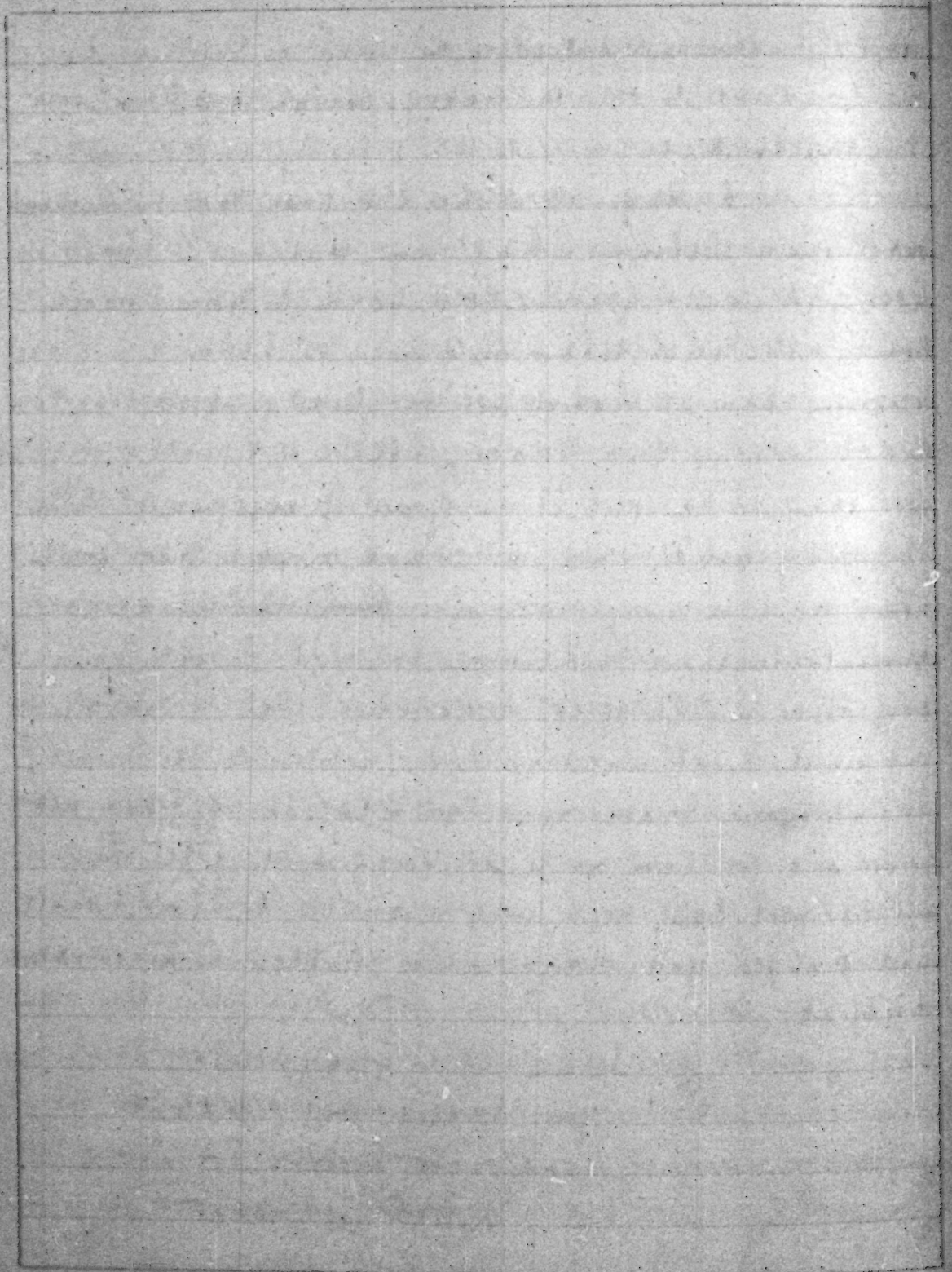
I cannot forbear just hinting to Your Grace the behaviour of the Surveyor General Mr. St. John, who has a Head so unfortunately turn'd, that he has not only brought a great deal of uneasiness upon himself, but has also given His Majesty's Council and me a great deal of unnecessary trouble, he has had the weakness to reject the advice given him by myself, Council, and severl other worthy Gentlemen, and to pin his faith intirely on one Whitaker late Attorney Genl (and the Craftsman amongst us.) who leads him into the most ridiculous and absurd measures, encouraging him to Despise the Authority of His Majesty's Governor
and

and Council, who design to make a Representation of his Conduct to the Ministry, which has been of Manifest disservice to His Majesty, and disturbed the Peace and quiet of this Province, but the unthinking man believes and brags that his Interest in England is so great, that let him behave as he will, all his Actions will pass Muster.

I am with great respect
My Lord

Your Graces most Obedient
and most humble servant
Robt Johnson

D. of Newcastle.



B. P. R. O. A. & H. S. Vol. 19. p. 21.

Charles Town the 15th Dec^r 1732.

My Lord

I had the Honour of your Graces letter by Mr. Frewin recommending him to me, as I shall allways have the greatest regard to your Graces commands and recommendations. I should with great pleasure have embraced all oportunities of serving him but I believe your Grace will be of Opinion with me, that he has put it now out of my power to do him any good, and in respect to your Grace will never do him any disservice provided he keeps himself within moderate bounds: I will only say thus much of his behaviour that he has need me with such unparalled Insolence that he may thank your Graces recommendation if I have not provided for him as he deserves, which I believe would not have been very agreeable to him. I shall not trouble your Grace any further on this worthless Subject

I am with great respect
your Graces most Obedient
and most humble Servant
Robt Johnson.

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B. P. R. O. A. & N. S. Vol. 19. p. 22.

Extract of Governor Johnsons Letter to Mr
Hutcherson dated the 21st of December 1732.

I hope when Mr Walpole is fully Informed of
St Johns Conduct, he will think it reasonable to have
him removed from all his Offices. I have been earant-
ly pressed by the Council to suspend him, but, I
rather chose to represent the whole matter to the
Ministry, from whom I hope for Redress: For it
will be impossible to support the Authority of the
Government and to do the Kings business, if St John
and Whitacre meet with encouragement.

Our Assembly met the 8th inst. and with great
reluctance received Mr Amiens for their clerk, to whom
I had given a Commission for that Office pursuant to
the Kings Instructions; Altho the Assembly till now
had constantly appointed their own clerk: This is a proof
of their desire to shew their Duty to the King, in sub-
mitting to what they think a hard thing.

I have not given any Warrant to run out and
survey Lands pursuant to any Patents from the late
Lords Proprietors, nor shall I do it till the Kings
Pleasure in this matter is signified to me, except what
I may do to the purchasers of Barones from Lord Carteret,
who

who insist on my granting my Warrants to have the same Surveyed as by Law they ought. I have received a Letter from the Duke of Newcastle to countenance those purchasers in Ascertaining their Lands, but the Letter is not wrote as an Order from the King, but as his Own desire. This very much perplexes the Council and myself, lest He should herein disoblige His Grace. The Council observing a difference between the Grants of these Baronys, and the Grants made to Landgraves and bastiques are of Opinion that I should suffer the same to be Surveyed but not to suffer them to be recorded, or to pass any Grant under the Seal of the Province for the Lands so Survey'd till his Majesty's further Order.

Mr Pury is arrived with about 50 Men and 70 Women and children. We have allowed them all conveniences and necessarys, and about 60 who arrived some time before Mr Pury are gone to Puryburgh highly satisfied with their Reception.

B.P.R.O. W & N S. Vol 19. p. 25.

(15 Dec. 1732)

South Carolina

To his Excellency Robert Johnson
Esq. Capt. General Governor and
Commander in Chief in and over
His Majesty's Province of S^c Carolina

The Representation of His Majesty's Council in this
Province relating to James St John Esq. Surveyor General
and Deputy Auditor of this Province.

This Board having taken into consideration the
conduct and Behaviour of the above named James
St John Esq. We beg leave to represent to Your Excell^y
that the said James St John for the space of seven Months
after his arrival here from England, did assume to
himself the Title and Character of his Majesty's Auditor
General of the Province; and in that stile; he appointed
Mr George Rolfe his Deputy Auditor for the Execution of
the said Office; And when it was objected to said
James St John, that the Right Hon^{ble} Horatio Walpole
Esq. was his Majes^{ty}'s Auditor General of all America;
and that the said Office of Auditor could not be executed
here without a Deputation from him the said Mr
Walpole. The said James St John made answer thereto,
and insisted that the said Mr Walpole could not be
deemed

deemed Auditor General of this Province, because (he said) his Patent was Prior to His Majesty's Purchase of this Country from the late Lords Proprietors. But some time after the said St John's Denial of the said Mr Walpole's Title to his said Office of Auditor General, This Board having taken into Question and Consideration, what the Nature was of the said pretended Right and Authority which the said Mr St John set up to the said place of Auditor General. It then appeared to this Board, that the said Mr St John grounded his pretence of being Auditor General of this Province, upon his being appointed Inspector and Comptroller here And the said Mr St John, after he discharged the said George Rolfe from the said place of Deputy Auditor. He the said St John then appointed Doctor Daniel Gibson his Deputy Inspector and Comptroller to execute the said place of Deputy Auditor, And the said Mr St John being then present before us, to answer Interrogatories relative to his said Pretensions The said James St John after many prevarications and evasive answers, at length produced to us a Deputation from the said Right Hon^{ble} Horatio Walpole Esq^r appointing him the said St John Deputy Auditor of this Province with proper Instructions relating thereto.

The

The Suppression of which Deputation by the said James St John, for the said space of seven months as aforesaid, And the said St John for six Months of the said seven having acted as Auditor of this Province, under a false Colour and Pretence of Authority, And his Denial of his said constituents having any Right to the said Office of Auditor General Appears to this Board to be a great Violation of Trust, and a manifest Imposition intended and Acted by the said James St John on his Majest^y Government and People in this Province, and may probably very much frustrate the Good Effects proposed to His Majesty by the Quit Rent Law lately passed here. Which Enacted that "within the space of 18 months after the opening the Auditors Office in this Province all Deeds and Titles relating to Land shall be registred in the Auditors Office in order to procure thereby a Rent Roll to His Majesty". But with much concern We observe to your Excellency, that by the Prevarications and Behaviour of the said James St John, many People are discouraged from Registring their Deeds and Titles in that Office, which has so much incurred the Odium and Reproach of Imposition, Abuse and Uncertainty. Nor can we frame to ourselves any possible Reason for

for the said St John's denying the Authority of the said Right Hon^{ble} Horatio Walpole Esq^r his Constituent in this Province, but that it must proceed from a Design he had to defraud the said Horatio Walpole of any Dues or Perquisites, he may be intitled to as Auditor General, and which he might have demanded of him his Deputy, if he acted as such, to prevent which he did design to act as Comptroller and Inspector only. And therefore he suppressed not only the Authority derived from, but also the authority of the said Mr Walpole himself.

We must further beg leave to Acquaint your Excell^{ty} that the said James St John has received great favours, and Indulgences from this Board and at his first coming had our frequent Advice and Assistance to instruct him in his in his business, and to facilitate the proceedings of his Office, whenever your Excellency was pleased (as you often were) to call us together for that special purpose And as a particular Instance of our Tenderness and Favour to the said James St John. We must inform your Excellency That on the second day of March last a Report of a Committee of the Lower House of Assembly was sent to this Board setting forth that the

the said James St John had been guilty of many and great partialities in the direction and execution of Warrants, for Surveying of Land, by giving undue preference to some, and unjustly postponing others, yet our tenderness to the said James St John on account of being His Majestys Officer induced us then to object to the generality of the said Report, and to make that our Reason for not taking notice of the same or to joyn in any Measures that might bring him the said James St John under the Publick Censure.

But we cannot but take notice now to your Excellt of the many Complaints against the said James St John, and that we have reason to suspect him Guilty of great Partiality and Unfairness, in his Capacity of Surveyor General, by encouraging his Deputys to expedite their Surveys in favour of some People, and to retard others, and to give an undue Preference of good Land and Soil to some, to the great dissapointment of many others, who expected a fair Mixture and Distribution pursuant to His Majestys Instruction for that purpose. And when in Execution of the Trust, reposed in us by his most Sacred Majesty, the said James St John was desired to attend this Board that we might see his Platts and examine the Conduct
of

of his Office, We find by a letter directed to your Excell^y
 signed and sent by the said James St John and
 delivered to you in Council and which you were
 pleased to communicate to us; The said James St John
 said He did not know any authority we had
 to examine the proceedings of his Office, and he
 accordingly refused to attend us, which prevents
 us from being so serviceable, as we are always
 on our part desirous to be to the Trust and Care
 committed to us by his most Sacred Majesty for
 the Inspection and Disposal of his Royal Estate
 and Interest in this Province. And the said James
 St John says further, that he has wrote to his Ma-
 -jesty's Ministry in Great Britain against your Ex-
 -cell^y and this Board, but being asked for copies
 of such his Complaints, that Your Excell^y and We
 might have an opportunity of answering the same
 and Acquitting ourselves of such unjust Aspersions
 (a Treatment he has always met with from Your
 Excell^y and this Board) He has utterly refused so
 to do, pretending he has not copies of such Complaints.
 And notwithstanding the many Civilities and
 favours which with the utmost Candour we
 at many times conferr'd on the said James St John
 in

in his said Capacity of Surveyor General, and
 which was always recommended and promoted
 by your Excellency Yet we must now reflect with the
 utmost Resentment on the Confidence, Imprudence,
 and Ingratitude, of the said James St John, in
 taking frequent Liberties, and opportunitys to speak
 most disrespectfully of your Excellency, and this Board
 and saying He did not value a Fig the Governour
 and Council here nor what they could do; And
 that to shew he really would not pay any Obedience
 to Your Excellency's Commands, he still continues to
 take unlawfull fees, notwithstanding your Excellency's
 Order in conjunction with this Board to him to the
 contrary, upon repeated complaints from the People.
 And to prefer himself here to an Esteem before your
 Excellency and this Board, he gives frequently out in
 speeches, That he has an Interest with the Ministry
 in England superior to any Interest of Governour
 and Council. And He the said James St John very
 often pretends to receive Letters from the Rt Honble
 Horatio Walpole, and other great Personages in Great
 Britain, assuring him of their Superlative Favour
 at Home And that they will support him the said
 St John in all his Measures. Which actings and
 Doings

Doings of the said James St John, may very much tend to Weaken his Majesty's Government and Interest here; and such Behaviour in a Kings Officer may very much contribute to Infuse Notions of Turbulence and Disobedience into the minds of his Majesty's Subjects in this Province.

We must therefore Intreat your Excellency to concur with us, in some proper Measures to reduce the said James St John to better demeanour. And as by such behaviour he very well deserves to be suspended from his said Office of Surveyor General, And some other competent Person to be substituted in the said Office during the said St John's suspension. We particularly Request, That your Excellency will be pleased to write home and desire.

That a Person so corrupt in his Office, and so obnoxious in his Behaviour may be Removed from his Majesty's Service in this Province. And that your Excellency will be pleased to transmit Copies of this Representation with such Proofs as appear to us, Ann'd to the Right Hon^{ble} the Lords Comm^{rs} of the Treasury, to His Grace the Duke of Newcastle, The Rt Hon^{ble} the Lords of Trade and to the Right Hon^{ble} Horatio Walpole Esq^r. And to such other Personages in Great Britain as your Excellency

Excellency shall think proper.

Council Chamber

15th December 1732.

Tho: Maring.

Tho: Broughton.

Art: Middleton.

W^m Bull.

A: Skene.

Geo: Yonge.

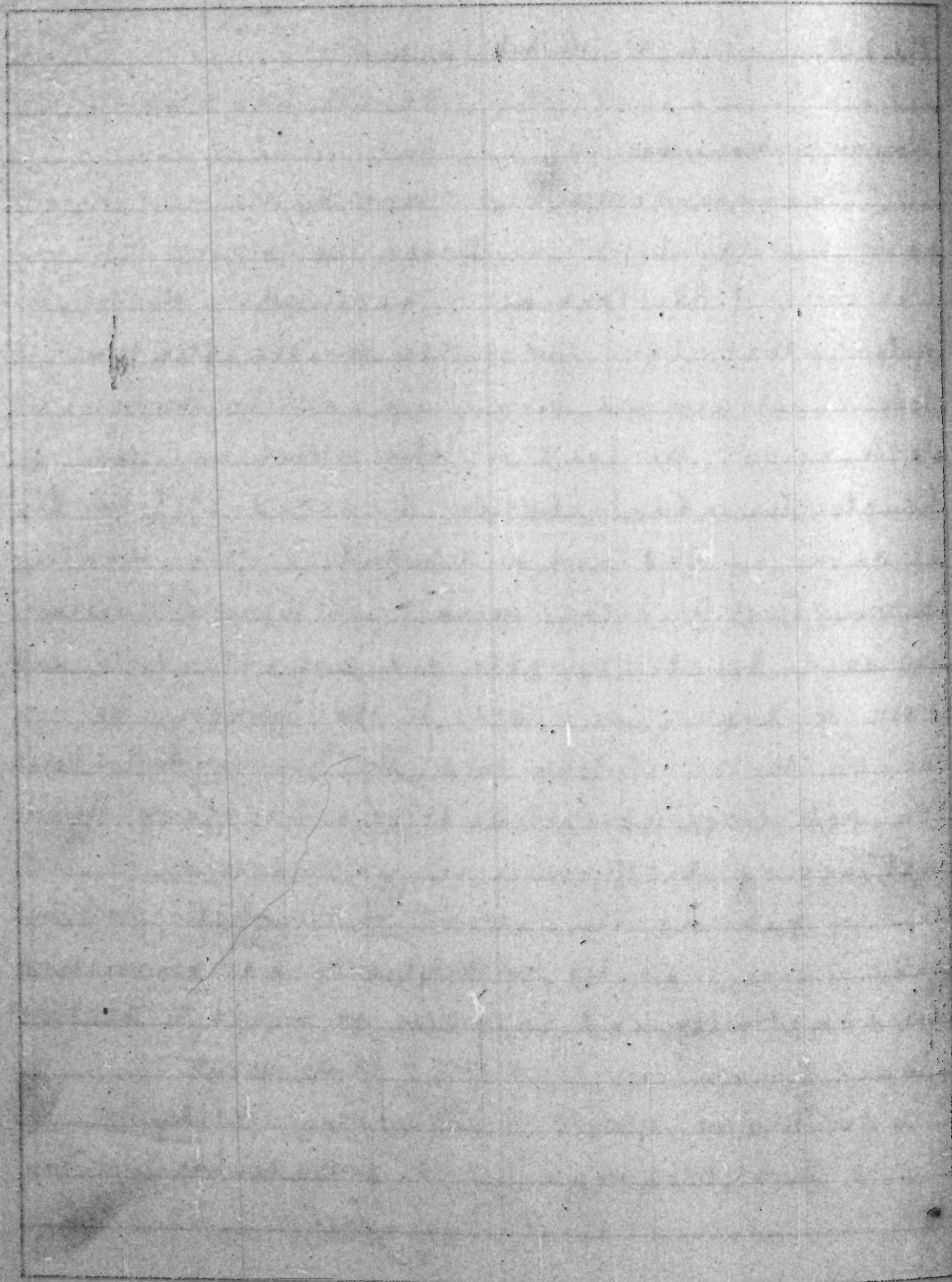
James Kinloch.

John Fenwick.

John Hammerton.

A True Copy Ext by

J. Badenhop Clerk Com.



278
B. P. R. O. A + N. S. Vol 19. p. 29

(6 Dec. 1732.)

South Carolina Is.

Francis Yonge Esq. One of His Majestys Councils, came this day before me Theophilus Gregory Mar. in Chancery of this Province & made Oath on the Holy Evangelists that about two or three Months after James St. John Esq. arrived from England, He the Deponent, talking wth the said St. John about his Office of Comptroller and Inspector, He asked St. John, how it came he had not a deputation from Horatio Walpole Esq. Auditor Generall of America, & whether the said Horatio Walpole did not intend to send over a Deputy, or words to that purpose; Upon which the s^d St. John told the Deponent that Horatio Walpole Esq. was not Auditor of Carolina the King not having that Province in his Possession at the time of passing the Patent of the s^d Walpole, but that Office was his by vertue of his Commission for Comptroller and Inspector, or words to that Effect

Jurat before me

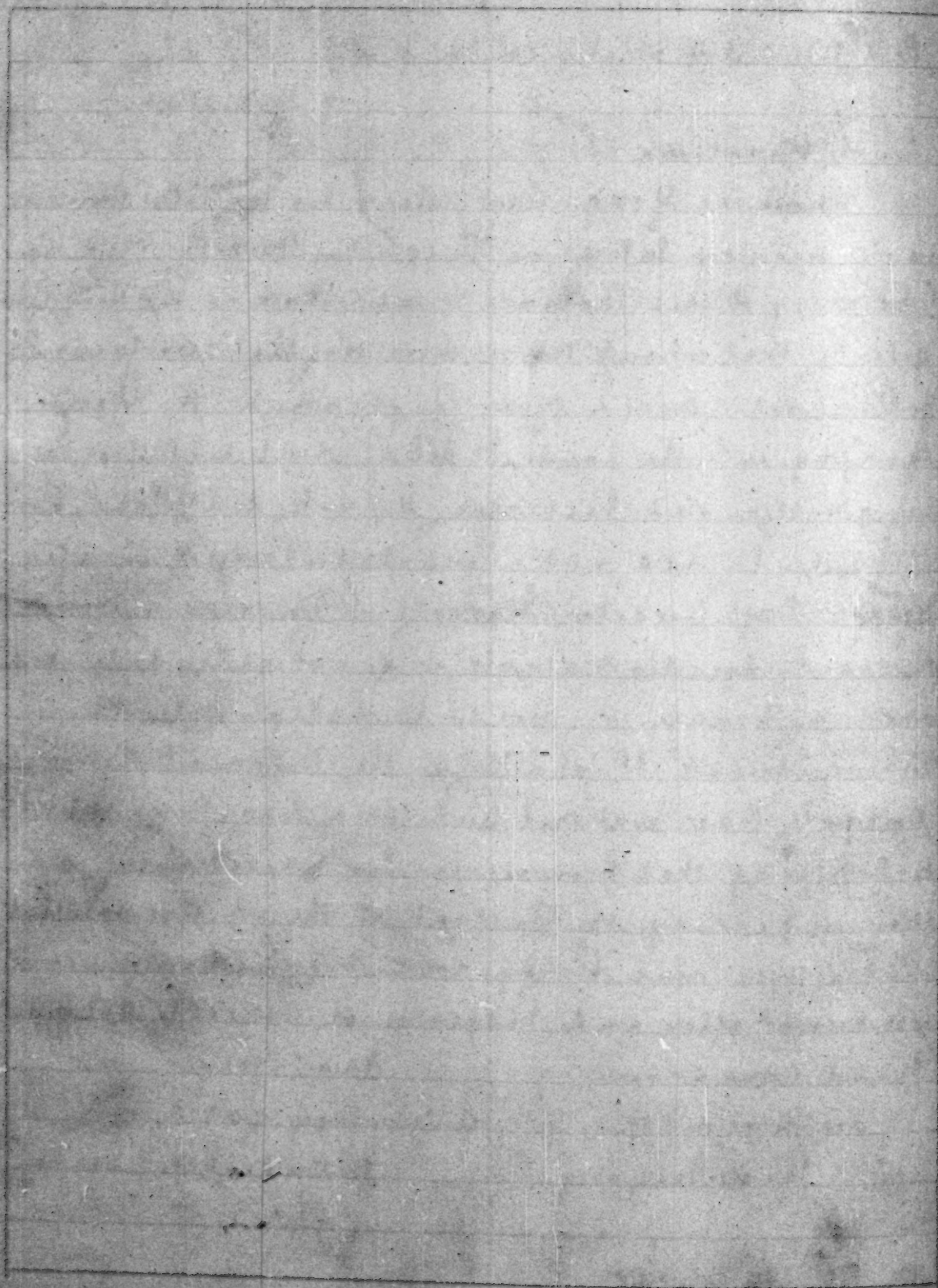
6 die Decem^r 1732.

Theo^s Gregory

Fra: Yonge

A True Copy E^t by

J. Badenhop Cler. bou



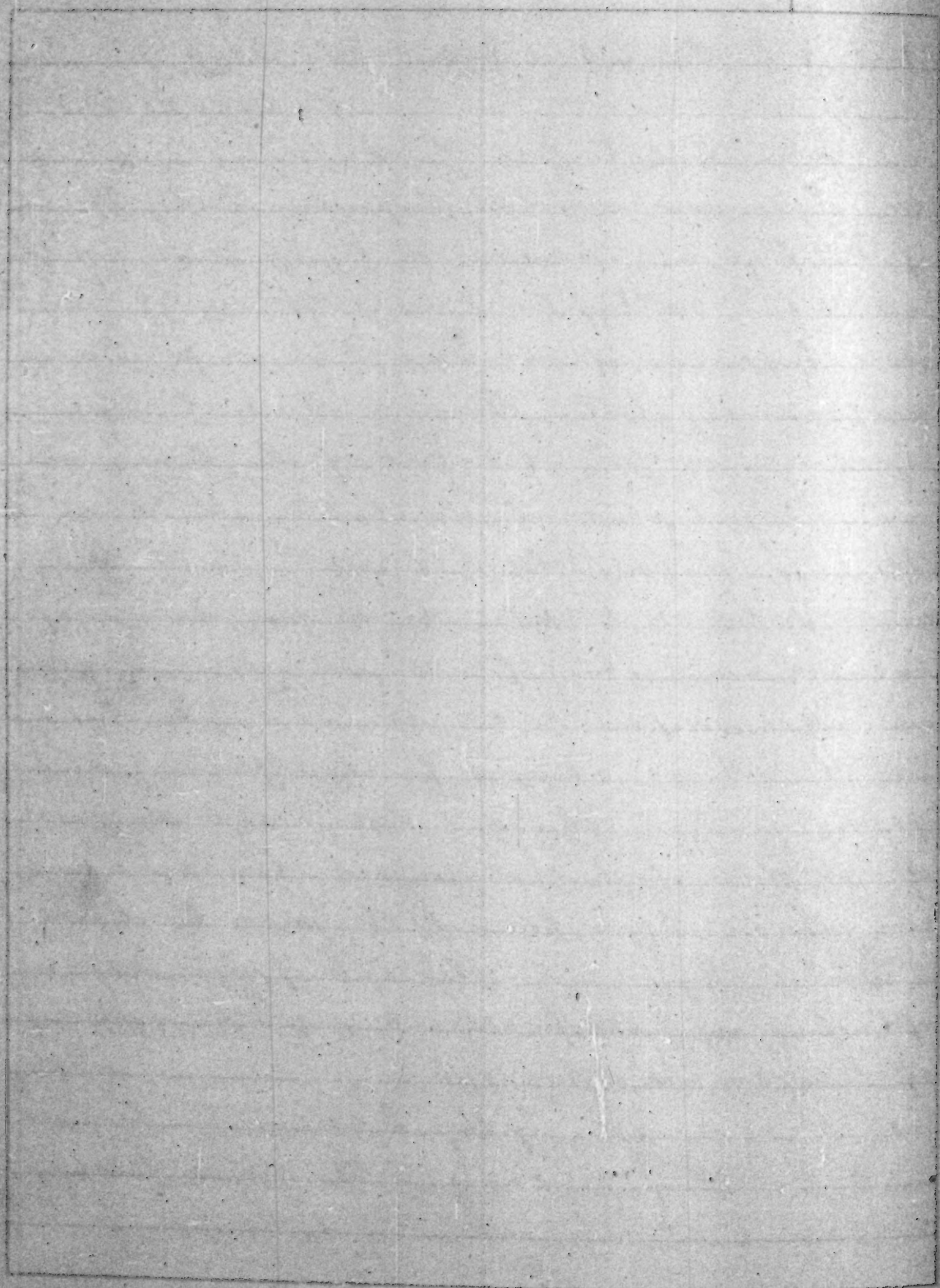
B. P. R. O. Plantations General BT Vol 55 p 120

(5th December 1718)

John Lord Cartouch Palatin and the rest of the Lords and Absolute Proprietors of the Province of Carolina in America, do hereby Grant, release and confirm unto John Danson Esq. one of the Lords Proprietors of the said Province, four Barons, each containing twelve Thousand Acres of Land English measure, in what part of the Province he or his Agent shall choose, that is not already taken up, excepting the Land call'd the Yamasee Land; To have & to hold the sd four Barons of twelve Thousand Acres of Land each, all mines of Gold and Silver excepted, to him the said John Danson Esq. His Heirs & Assigns for ever, Yielding and paying yearly to the said Palatin and the rest of the Lords Proprietors aforesaid their Heirs and Assigns, one Pepper Corn, if the same be legally demanded. Given under the Seal of the Province of Carolina appointed for that purpose this fifth day of December Anno Dom 1718

(L.S.)

By their Lordships special Command
R. Shelton Secretary



B. P. R. C. Plantations General B. T. Vol 55 p 13

(27th September 1735)

Know all Men by these Presents, that We the true and absolute Lords Proprietors of Carolina do hereby give and grant unto Thomas Lowndes, Gent His Heirs and Assigns the Office and Place, and Offices and Places of Provost Marshall, Clerk of the Peace, and Clerk of the Crown, of and in the Province of South Carolina in America, for the several and respective natural Lives of the said Thomas Lowndes and Hugh Watson of the Middle Temple Gentlemen to execute the same by the said Thomas Lowndes, His Heirs and Assigns, or by His or their sufficient Deputy or Deputies. And We do hereby authorize & empower the said Thomas Lowndes, His Heirs and Assigns to Demand and receive, take and enjoy all Salaries, Wages, Fees, Allowances, Profits, Perquisites, Travelling Charges, Bill Money, Benefits, Immunities, Privileges, Advantages and Emoluments, any way incident or appertaining to the said Offices or Places or any of them, in as ample and beneficial manner as any former Provost Marshall or Marshalls, Clerk of the Peace and Clerk of the Crown, of and in the said Province of South Carolina, or any Provost Marshall, Clerk of the Peace and Clerk of the Crown of any other

other Province or colony in America, have or hath used,
 had received or enjoyed, And lastly We do hereby revoke
 and make void all former commissions granted for all
 or any of the said Offices or Places by us or by Our
 Predecessors, or by any Governor or Governors of the said
 Province of South Carolina. Witness Our hands and
 the Seal of the said Province. This Twenty Seventh
 Day of Septemb^r Anno Domⁱ 1725.

Signed Beaufort. Jon: Tyrrell

Craven. Hen: Bertie

Esq^t J. G.

Ja: Bertie J. Colleton

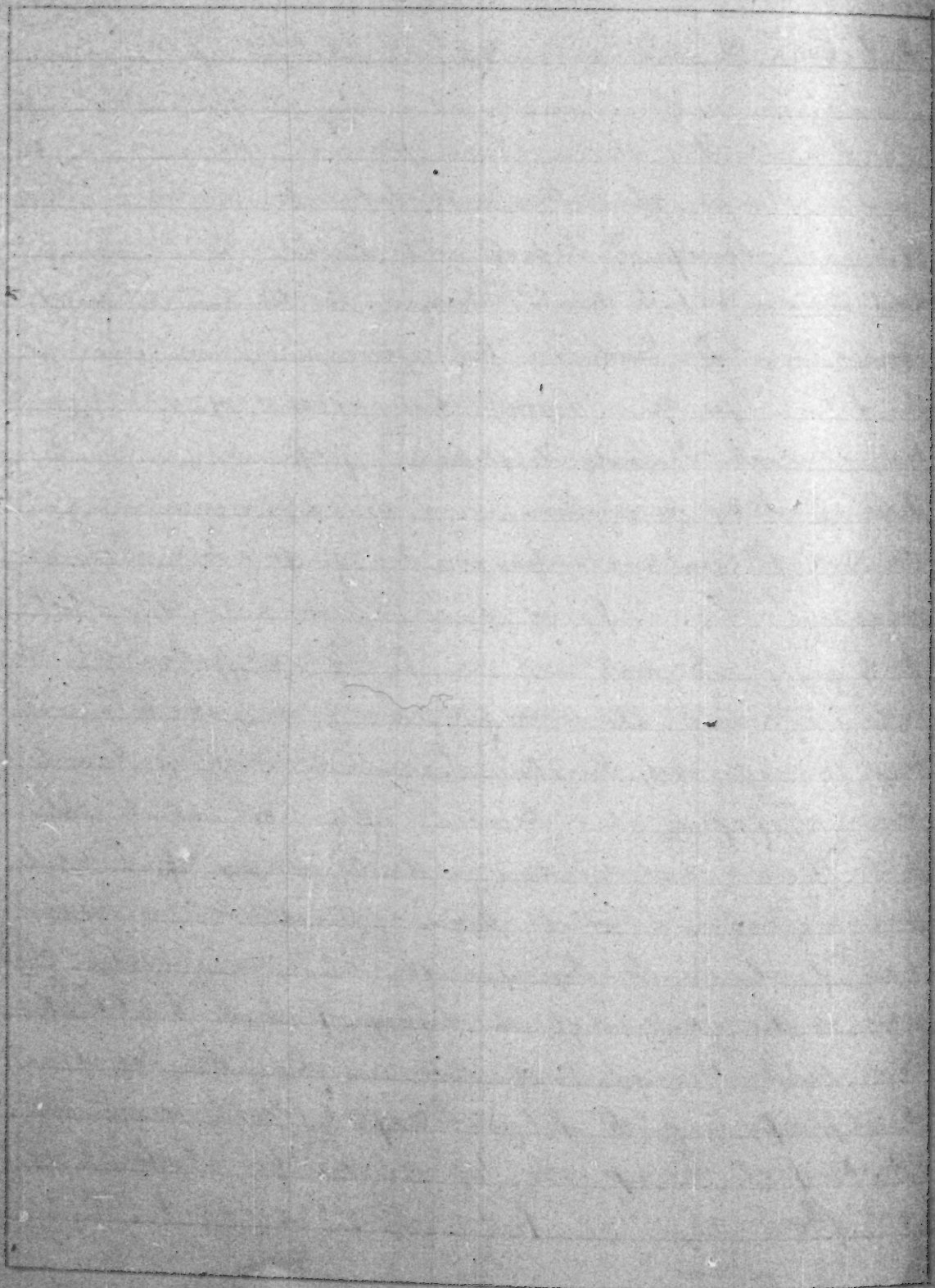
A. P. R. O. Plantations General D. T. Vol 55 p 65

(1st October 1730)

George R.

George the Second by the Grace of God King of Great Britain, France and Ireland Defender of the Faith &c To Our Trusty and Wellbelov'd Thomas Broughton Esq Greeting. We reposing especial Trust and Confidence in your Loyalty courage and good Conduct do by these Presents constitute & appoint you to be Lieu^t Gov^r of Our Province of South Carolina in America. You are therefore carefully & diligently to discharge the Duty of Lieut Governor by doing and performing all and all manner of things thereunto belonging, and all Our Officers & Subjects whom it may concern, are hereby required to Obey you as Lieut Governor of Our said Province, And you are to observe and follow such Orders and Directions from time to time as you shall receive from us. Our Governor of the said Province for the time being, or any other your Superior Officer, according to the Rules and Discipline of War, in pursuance of the Trust hereby reposed in you Given at Our Castle of Windsor the First Day of October 1730 in the Fourth Year of Our Reign.

By His Majestys Command
Ables Newcastle



B. P. R. O. Plantations General B. T. Vol 55 p 121

(25th October 1726)

To all to whom these presents shall come His Excellency John Lord Carteret Palatine; the most Noble Henry Duke of Beaufort, the Right Hon^{ble} William Lord Craven, the Hon^{ble} James Bertie and Henry Bertie his Brother, Sir John Colleton, Baronet, and Sir John Tyrrell, Baronet, being Seven of the Eight true & absolute Lords Proprietors of Carolina send Greeting Whereas Thomas Lowndes hath surrendered to us, Our Heirs & Assigns a Grant for Four Baronies in our Province of Carolina, containing in the whole Forty Eight Thousand Acres of Land, together with the Title, Dignity & Honour of a Landgrave, which was heretofore granted to John Price Gentleman, In consideration whereof we do consent & agree to Grant to the said Thomas Lowndes one Tract or Barony of Land to contain Twelve Thousand Acres of Land. One other such like Tract or Barony of Land to Isaac Lowndes One other such like Tract or Barony of Land to Charles Edwards Gentleman, & one other such like Tract or Barony of Land to John Duresford Gentleman, all which four Baronies are to contain the whole Forty Eight Thousand Acres of Land, to the end and intent that

that he & they, and his & their Heirs & Assigns may hold & enjoy the same (according to their several & respective Grants) together with all such Liberties, Benefits, Immunities, Privileges & Advantages whatsoever as we have Power to Grant by virtue of the Letters Patents Granted to Our Ancestors or Predecessors. Now the Presents Witness, That we the said Lords Proprietors, in Consideration of the Premises, have Given & Granted, and by these Presents do Give & Grant unto the said Thomas Lowndes, his Heirs & Assigns One Barony or Tract of Land to contain twelve Thousand Acres of Land together with all the Wood, Timber Royalties & Advantages to be had, found, received and taken thereby, and all our Estates, Inheritance, Use Possession, Claim & Demand for us the said Lords Proprietors of, in, to or out of the same Premises hereby given and granted, with their Appurtenances, unto the said Thomas Lowndes, his Heirs & Assigns, unto the only Use of the said Thomas Lowndes his Heirs & Assigns for ever Yielding & paying to the said Lords Proprietors, their Heirs & Assigns for ever the Sum of One Penny Sterling Yearly at the Royal Exchange of London on the Feast of St. Michael the Archangel, for ever. Provided nevertheless that in
case

case this present Grant shall not be duly Enrolled
 within the Space of Two Years after the Date here
 of, in one of His Majesty's Courts of Record at West-
 minster, or in the Office of the proper Registrar,
 Secretary or in the Enrollment Office of the said
 Province, then this present Grant shall be void & of
 none Effect. And the said Lords Proprietors do hereby
 authorize & require that y^e Surveyor Gen^l of y^e Province
 of South Carolina immediately within twenty days after
 Notice given him of this present Grant, to allot
 & set out y^e said Tract or Parcel of Land in
 any Place within the said Province of South Carolina
 Given under our Hands & Seal this 20th day of
 October 1736

Entered 1st Dec^r 1736
 by Ri Shelton Sec^{ry}

Sign'd Carteret J
 Beaufort
 Craven

Cognit p infra nōiat
 Henricum Dertie
 1^o die Februarii
 1736 in cur
 Sign'd Alca Denton

La Dertie
 Hen Dertie
 John Tynel
 J. Holtston

(25)

Indors'd

Just

Innot^m in Banco sotto scato de
 Bartio & Scriptis cogn & alloc de Termino
 Tibi Hillarii, Anno Regni Dñi
 Georgii Dei Gra Magnae Britanniae,
 Franciae & Hiberniae Regis, Fidei
 Defensoris & decimo tertio

Est michi J. R.

Burgoyne, Clicus Hann Inot, & 17^o March 1744

B. P. R. O. Plantations General. B. 2. 1656

30 July 1730

James Sutherland Esq. Capt. & Commander of Fort Johnson in South Carolina

George I.

George the Second by the Grace of God King of Great Britain France and Ireland
Defender of the Faith &c. To our Trusty and Wellbeloved James Sutherland Esq.
Greeting. We reposing especial Trust and confidence in your Loyalty Courage
and good conduct do by these presents constitute and appoint you to be Captain
and commander of our Fort called Fort Johnson near Charles Town in our province
of South Carolina in America you are therefore carefully and diligently dis-
charge the Duty of Captain and Commander of our said Fort by doing and
performing all and all manner of things thereunto belonging and all our
officers and Soldiers there and all others whom it may concern are hereby
required to obey you as Captain and Commander of our said Fort and you
are to observe and follow such Orders and Directions from time to time as
you shall receive from Us, our Captain General and Governor in Chief or
other our Commander in Chief of our said province for the time being
or any other your Superior Officer according to the Rules and Discipline
of War in pursuance of the Trust hereby reposed in You. Given at our
Castle of Windsor the Thirtieth day of July 1730 In the Ninth Year
of our Reign

By His Majesty's Command
Hollis Newcastle

B P R O Plantations General B.T. Vol 55 p 71.

(16th September 1730)

George the Second by the Grace of God of Great Britain, France and Ireland King Defender of the Faith &c. To all to Whom these Presents shall come Greeting Whereas by means of good and sufficient Assurances in the Law & by virtue of an Act of Parliament passed in the Second Year of Our Reign Intituled (An Act for Establishing an Agreement with Seven of the Lords Proprietors of Carolina for the Surrender of their Title & Interest in that Province to His Majesty) We Our Heirs & Successors are seized in Right of Our Crown of & in all those Seven Undivided Eighth Parts the whole into Eight Parts or Shares to be divided of and in Sundry Provinces or Territories called Carolina which his late Majesty King Charles the Second Granted in Propriety to sundry Persons in the said Act named their Heirs and Assigns and made, created and constituted the same Persons their Heirs and Assigns the true and absolute Lords and Proprietors of the said Country. And by virtue of the same Assurances and Act of Parliament seven eighth parts, the whole into eight equal Parts to be divided of all & every the Arrears of Quit Rents and other Rents Sum and Sums of

of Money, Debts Duties Accounts Reckonings, Claims
 and Demands whatsoever then due and owing to the
 said Lords Proprietors are vested in Us Our Heirs and
 Successors as in and by the said Conveyances and
 Assurances, the Tenours whereof are recited in the said
 Act, and also by the said Act relation being there
 unto had may more fully and at large appear. Now
 to the end Our Estate and Interest as well in the
 said seven Undivided Eighth Parts of the said Provinces
 and Territories as in the said seven undivided eighth
 Parts of the said Acreas and likewise in seven
 Undivided Eighth parts of all Quit Rents and other
 rents Sum and Sums of Money, Debts Duties Accounts
 Reckonings, Claims and Demands arising accruing or
 otherwise becoming due and payable unto us from time
 to time may be known had received taken and account
 ed for in manner as they ought to be. Know Ye
 that We very much Confiding in the Fidelity Care
 and Circumspection of Our Trusty and Wellbeloved
 John Hammoneton Esq. have Nominated, Constituted &
 Appointed; And do by these Presents nominate, con-
 stitute and appoint him the said John Hammoneton
 to be Our Receiver General not only of all Rents Revenues
 or other incomes whatsoever Arisen or to arise or become
 due

due and Payable unto us by reason or means of Our said respective Seven Eighth Parts afore described but also of all other Rents Revenues, Tines, Forfeitures or other Incomes whatsoever arising becoming due and payable or which shall or may arise and become due payable unto us in Right of Our Crown within Our said Provinces and Territories of Carolina. To have and to hold the said Office unto him the said John Hammerton for and during Our Pleasure And We do hereby give full Power and Authority to the said John Hammerton to give Receipts or Acquittances for the Sums which shall from time to time be had received and taken by him in which Receipts shall be good and sufficient Discharges for the Sums contained therein And the said John Hammerton is hereby also Authorized and Impowered in case of non Payment of any of the Rents, Revenues, Incomes Sum or Sums of Money whereof he is appointed Our Receiver to Levy the same by Distress, and Sale of such Distress, rendering the Overplus if any to the Owner or by such other ways and means for Recovering Our Rights and Dues as the Laws of Our Kingdom of Great Britain or the Laws of Our said Province of Carolina do & shall Warrant and allow in Cases where the Payment of the Revenues and Incomes of
any

any kind due to and belonging to Our Crown are delayed or not duly & punctually paid or in danger of being lost. And to the end the said John Hammerton may be encouraged diligently to attend the said Office of Receiver General & to execute the same with care & Fidelity And We may be acquitted & Released from all Grievings and Demands whatsoever in respect to any Charges or Expences that he shall or may be at in exercising or executing the same, We are Graciously pleased to Grant & Allow unto him the Sum of Ten Pounds p Centum upon and for all Monies or value of Monies which shall be received taken and collected by him within Our said Provinces or Territories and with which he shall be charged from Time to Time in his Accounts. And We do hereby give full Power and Authority to the said John Hammerton to retain and keep to his own use out of the Produce of his said Receipt the said Allowance of Ten Pounds p Centum Accordingly. And the said John Hammerton is hereby required to Account Yearly and every Year upon Oath for the Monies of his said Receipt before the Auditor & Surveyor General of Our Revenues in America for the time being, and to answer and pay the Monies that shall

shall from time to time be and remain in his hands in such manner as We by Warrants under Our Royal Sign Manual to him directed or by any Instructions under Our Royal Sign Manual to Our Governors or Commanders in Chief of those Our Provinces or Territories for the time being shall direct and Appoint and not otherwise. And Moreover We do hereby Charge and Require the said John Hammerton to give or procure good Security to be given in Our Court of Exchequer in this Our Kingdom to the good liking of the Commissioners of Our Treasury for the due exercise and executions of the said Office of Receiver General and Accounting Yearly to Our said Auditor and Surveyor General of Our Revenues in America in manner before directed. And We do hereby Order and Direct that these Presents be forthwith entered or enrolled before the said Auditor & Surveyor General. And being so entered or enrolled We do Charge and Require all Our Governors Lieutenant Governors, & Commanders in Chief and other Our Officers and Ministers whatsoever within Our said Provinces and Territories to take notice hereof. And to be Aiding and Assisting unto the said John Hammerton in the due exercise and execution of the said Office of Receiver General

General in all things as becometh, and as Our
Service may require. Given at Our Court at Windsor
Castle this Sixteenth day of September 1730, In the
Fourth year of Our Reign

By His Majesty's Command
R. Walpole
H. Clayton
Will. Yonge

Intulat in Offic. Hobilis
Honorat Walpole Armig. Auditor
Americ. Vicesimo tertio die Septembris
1730. Anno Rñi Georgi Secundi Rē
Quarto

Pet. Lehman.

B. P. R. O. Plantations General B. T. Vol 56 p. 79

(27th October 1731)

These are to certify that John Hammetton Esq hath
given Security pursuant to the Warrant from the
Right Hon^{ble} the Lords Commissioners of His Majestys
Treasury for the due Execution of his Office of Receiv-
er General of His Majestys Rents and Revenues of
Carolina

The Kings Receiv^r Office

Jos. Arbuthnot

27th October 1731

Innotulatu in Memorand- Scacii

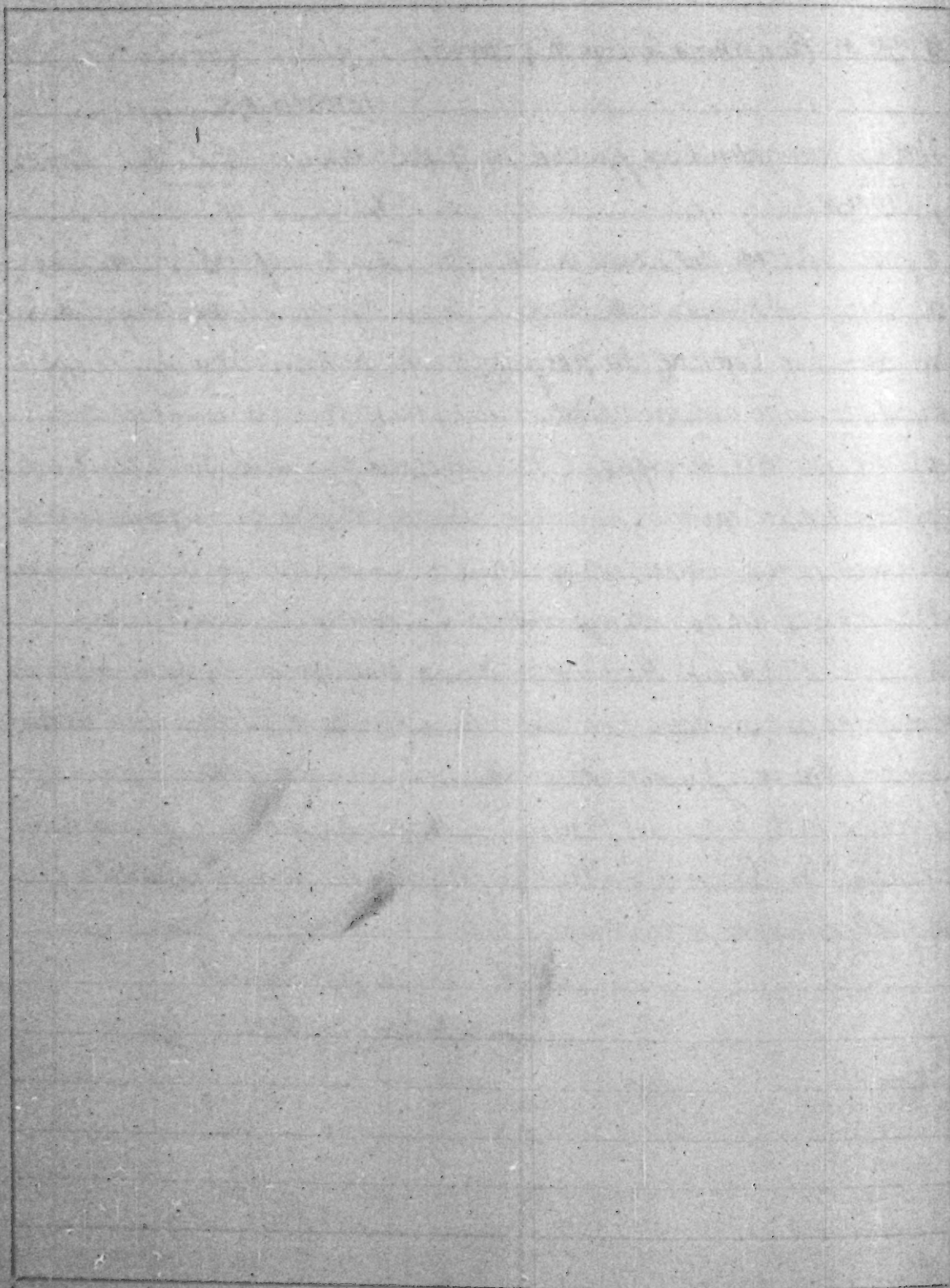
Dñi Regis nunc Georgii Sexti apud

Westm D' Anno Rñi sui Quinti (vigil)

inter Coria de termino Scē Trinit^{is} ex.

p^{te} Alor^{um} ejusdem Dñi Regis

Arbuthnot



B. P. R. O. Plantations General B. 2. Vol 56

1 October 1730

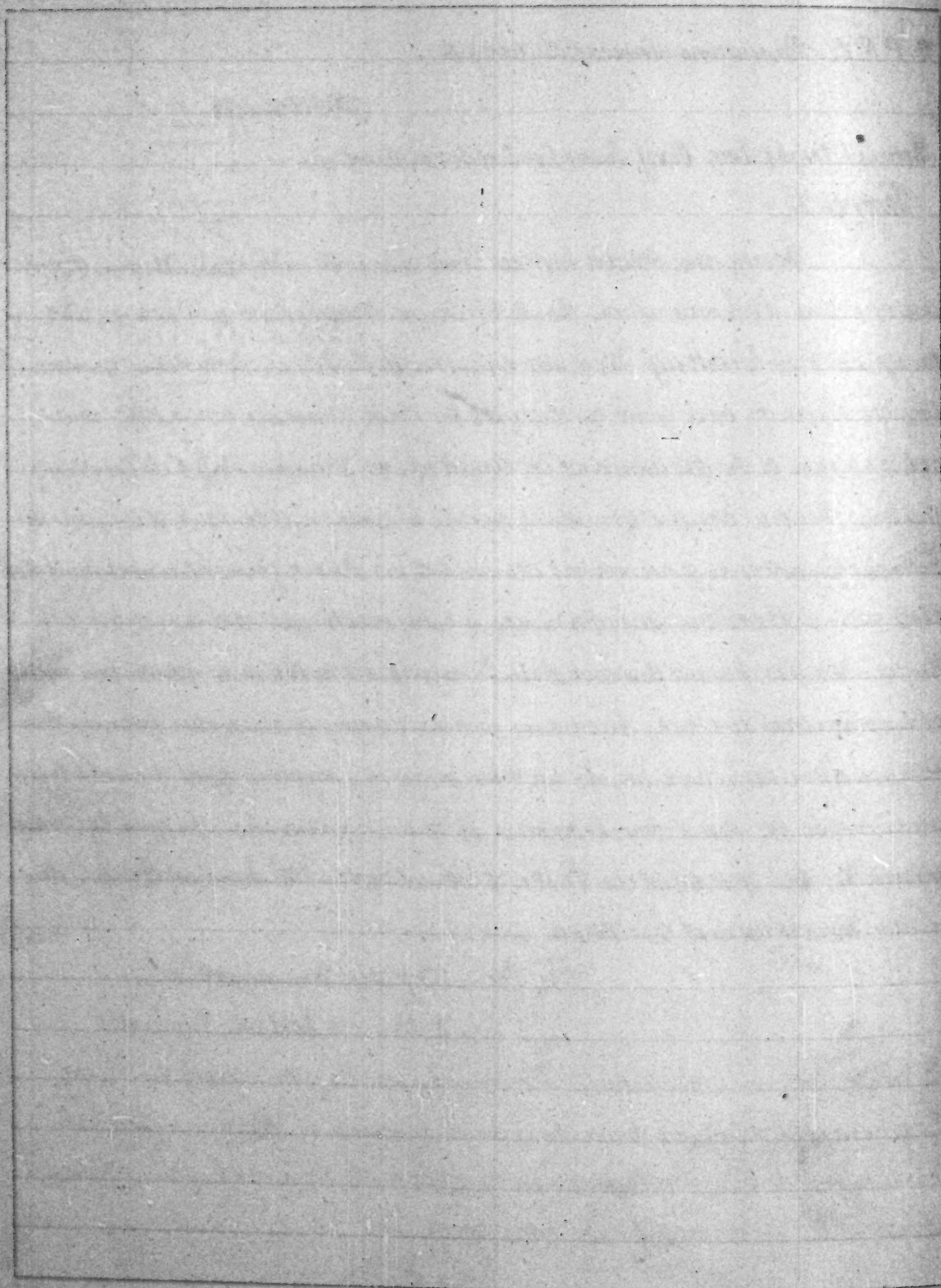
Thomas Broughton Esq; Lieut Gov^r of South Carolina

George R

George the second by the Grace of God King of Great Britain France and Ireland Defender of the Faith 1st To our Trusty and well beloved Thomas Broughton Esq; Greeting We reposing especial Trust and Confidence in your Loyalty Courage and good conduct do by these presents constitute and appoint you to be Lieutenant Governor of our Province of South Carolina You are therefore carefully and diligently to discharge the duty of Lieutenant Governor by doing and performing all and all manner of things thereunto belonging And all our Officers and subjects whom it may concern are hereby required to obey you as Lieutenant Governor of the Province And you are to observe and follow such orders and directions from time to time as you shall receive from us, our Governor of the said Province for the time being or any other your Superior Officer according to the Rules and Discipline of War in pursuance of the Trust hereby reposed in You Given at our Castle of Windsor the First day of October 1730 in the fourth year of Our Reign

By His Majesty's Command

Nolles Newcastle



B. P. R. O. Plantations General B. 2. vol 50

30 November 1730

Robert Wright Esq. Chief Justice of South Carolina

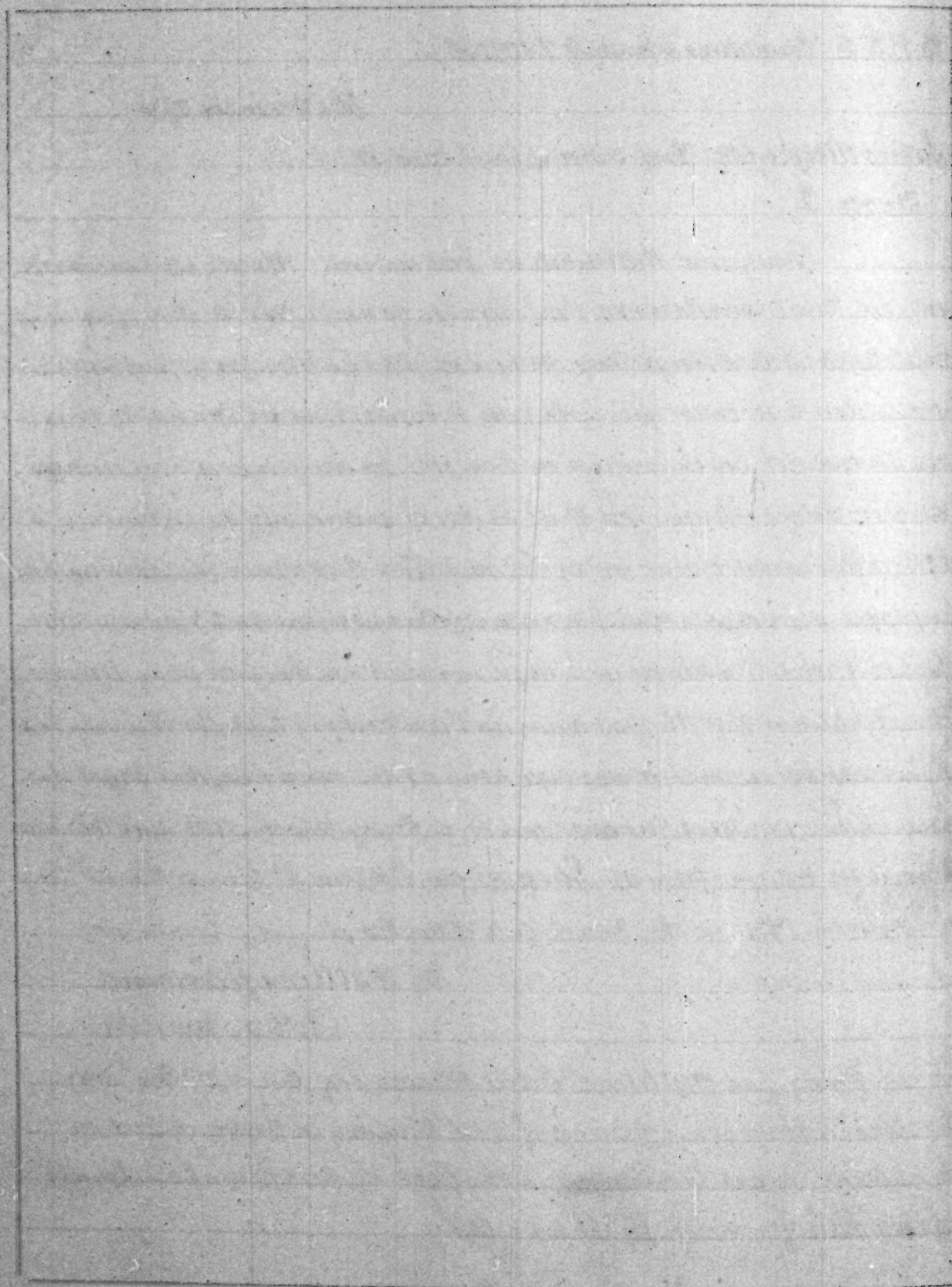
George A

Trusty and Wellbeloved we Greet you well Whereas we have taken into Our Royal consideration the Integrity and Ability of our Trusty and Wellbeloved Robert Wright Esq. We have thought fit to authorize and require you forthwith to cause Letters Patents to be passed under Our seal of that our Province of South Carolina in America. for constituting & appointing the said Robert Wright Our Chief Justice of and in Our Said Province. To have hold execute and enjoy the said Office during our pleasure and his Residence within our said Province together with all and singular the Rights profits privileges and Emoluments unto the said place belonging or appertaining with full power and authority to hold the Supreme Courts of Judicature at such places and times as the same may and ought to be held within our said Province and for so doing this shall be your Warrant And so we bid you farewell Given at our Court at St. James the 30th day of November 1730 in the Fourth Year of our Reign

By His Majesty's Command

Holles Newcastle

To our trusty and Wellbeloved Robert Johnson Esq. Our Capt^l Gen^l and Governor in Chief of our Province of South Carolina in America. and in his absence to our Commander in Chief or to the president of our Council of our said Province for the time being



B. P. R. O. Plantations General B. 2. Vol 56

30 November 1730

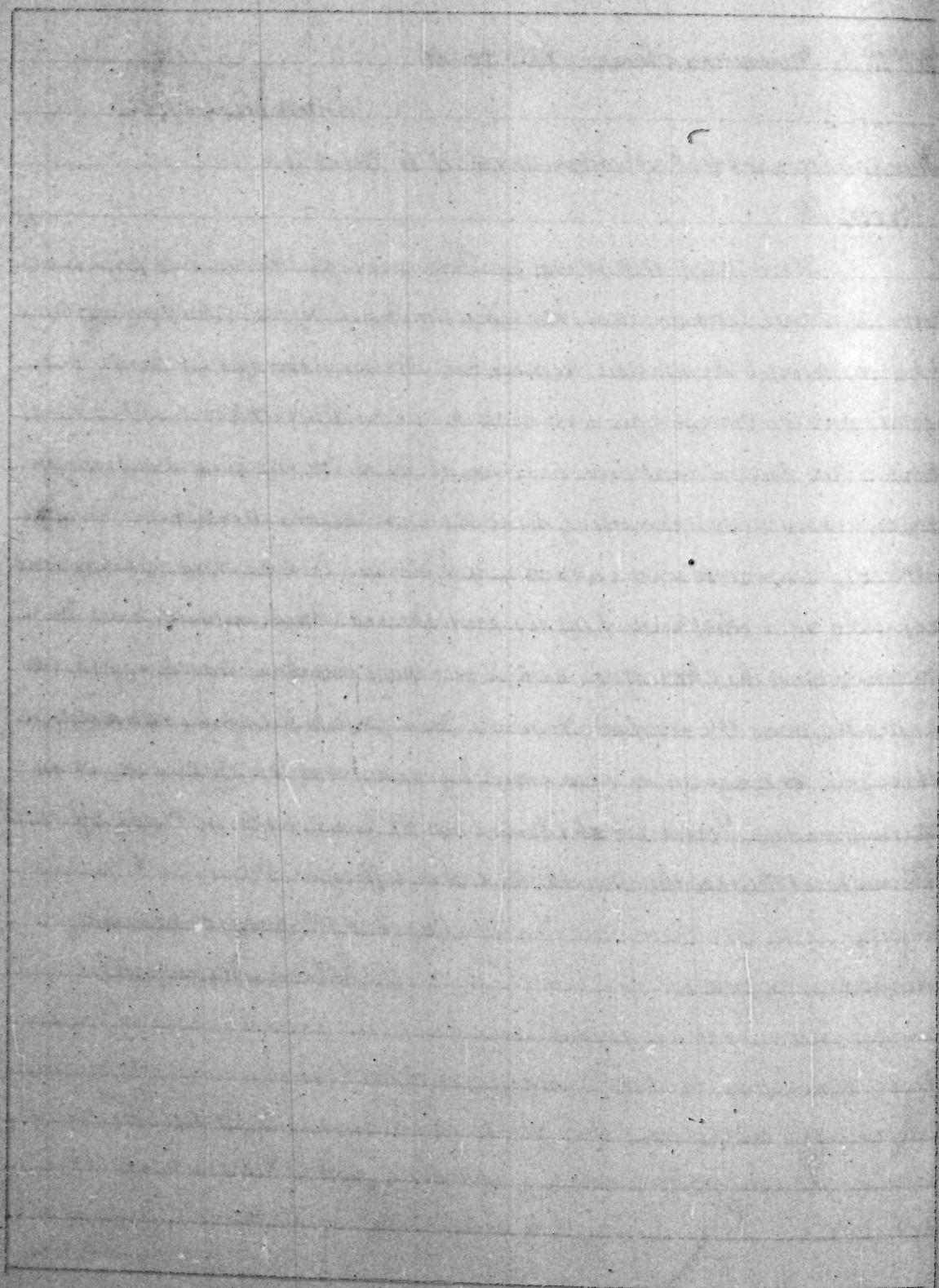
James Abercrombie Esq. Attorney Gen^l of So. Carolina

George I

Trusty and Wellbeloved we Greet you well Whereas we have taken into our Royal Consideration the Loyalty Integrity and Ability of our trusty and Wellbeloved James Abercrombie Esq. We have thought fit hereby to require and authorize you forthwith to cause Letters Patents to be passed under Our Seal of that our Province of South Carolina in America for constituting and appointing him the said James Abercrombie Our ^{an} Attorney General of and in our said Province to have hold exercise and enjoy the said office unto him the said James Abercrombie during our pleasure and his Residence within our said Province together with all and singular the Rights, Salaries Fees profits privileges & Emoluments thereunto belonging or appertaining and for so doing this shall be your Warrant. Given at our Court at S^t James's the 30th day of November 1730 in the Fourth Year of our Reign

By His Majesty's Command
Nolles Newcastle

Directed ut supra



B. P. R. O. Plantations General B. 2. Vol 56

30 November 1730

Thomas Lowndes Esq. Provost Marshall in South Carolina

George R.

Our Will and pleasure is that you prepare a Bill for our Royal Signature to pass our Great Seal of Great Britain containing our Grant unto our Trusty and Wellbeloved Thomas Lowndes Esq and his Assigns of the Offices or places of Provost Marshall Clerk of the peace and Clerk of the Crown of and in our Province of South Carolina in America during the natural lives of the said Thomas Lowndes and Hugh Watson of the Middle Temple Gent. At the said Thomas Lowndes having surrendered unto us a Grant of the said Offices for the lives of him and the said Hugh Watson under the Seal of the late Lords Proprietors We have hold and enjoy the said Offices unto him the said Thomas Lowndes and his Assigns for and during his own Life and the Life of the said Hugh Watson and the survivor of them to be executed by him the said Thomas Lowndes or his Assigns or his or their sufficient Deputy or Deputies together with all their Salaries Fees Perquisites profits Advantages and Privileges whatsoever to the said Offices belonging in as full and ample manner to all intents and purposes as any person or persons have heretofore held and enjoyed or of Right ought to have held and enjoyed the same and you are to insert in the said Bill all such clauses as are usual and as you shall judge Requise in this behalf And for so doing this shall be your Warrant Given at our Court

Court at St James's the Thirtieth day of November 1730 in the fourth
Year of our Reign

To our Attorney or }
Solicitor General }

By his Majestys Command
Nolles Newcastle

B. P. R. O. Plantations General B. D. vol 56

2 January 1731

Edward Berke and John Hammerton Esq^{rs}

Secretary and Register of So. Carolina

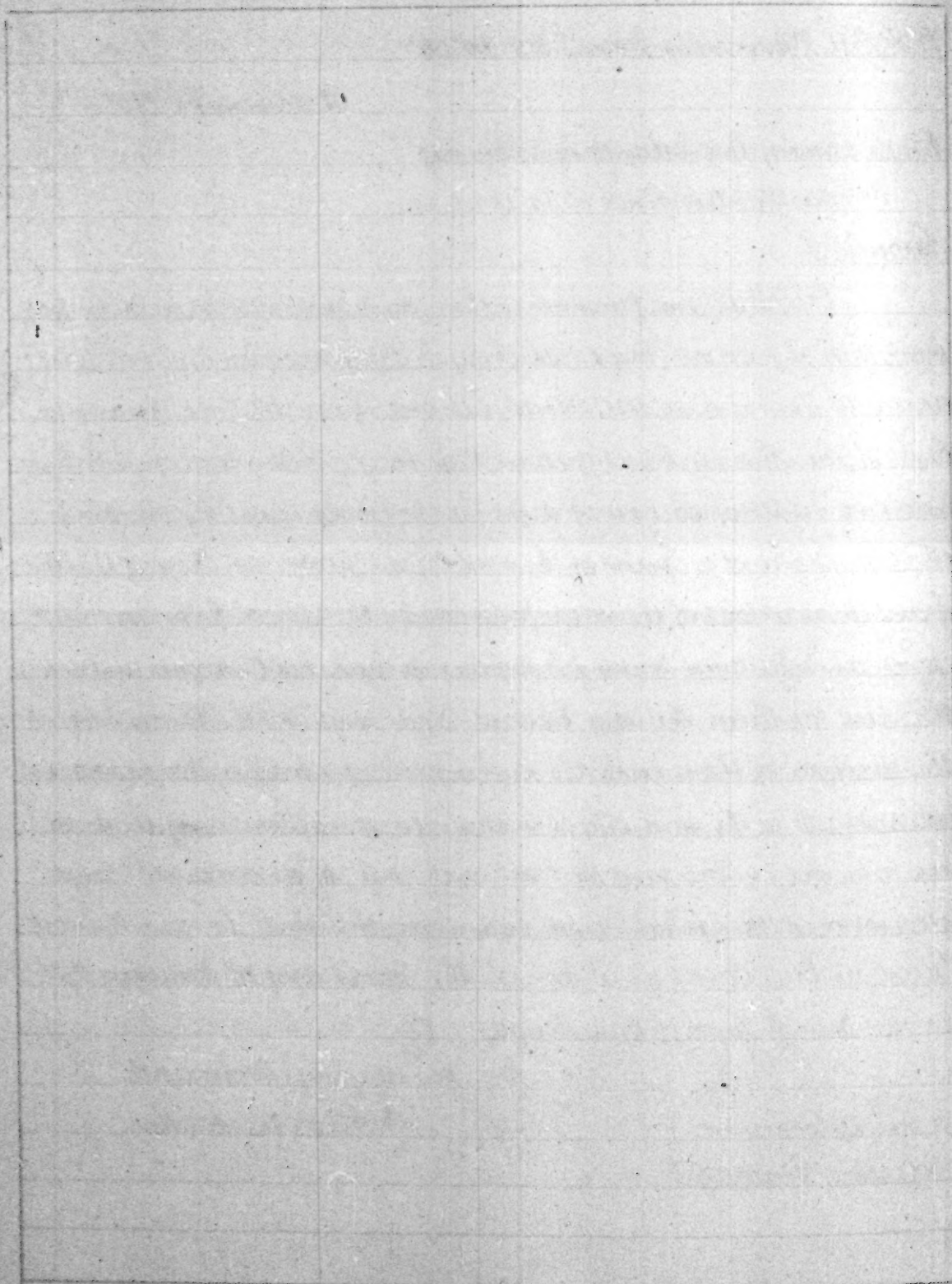
George R

Our Will and pleasure is that you prepare a Bill for our Royal Signature to pass our Great Seal of Great Britain containing our Grant unto our Trusty and Wellbeloved Edward Berke and John Hammerton Esq^{rs} of the Offices of Secretary and Register of our province of South Carolina in America now void by the surrender made by the said Edward Berke of a Grant of the said Offices under the Seal of the late Lords Proprietors of the said province for the Lives of the said Edward Berke and William Berke his Brother to have, hold execute and enjoy the same by them the said Edward Berke and John Hammerton or the survivor of them with all rights privileges profits perquisites and advantages to the said Offices belonging and appertaining And you are to insert in the said Bill all such Clauses as are usual and requisite in this behalf And for so doing this shall be your Warrant Given at our Court at St James's the second day of January 1731 in the fourth Year of our Reign

By His Majesty's Command

Nolles Newcastle

To our Attorney or }
Solicitor General }



B. P. R. O. Plantations Gen^l B. I. vol 26

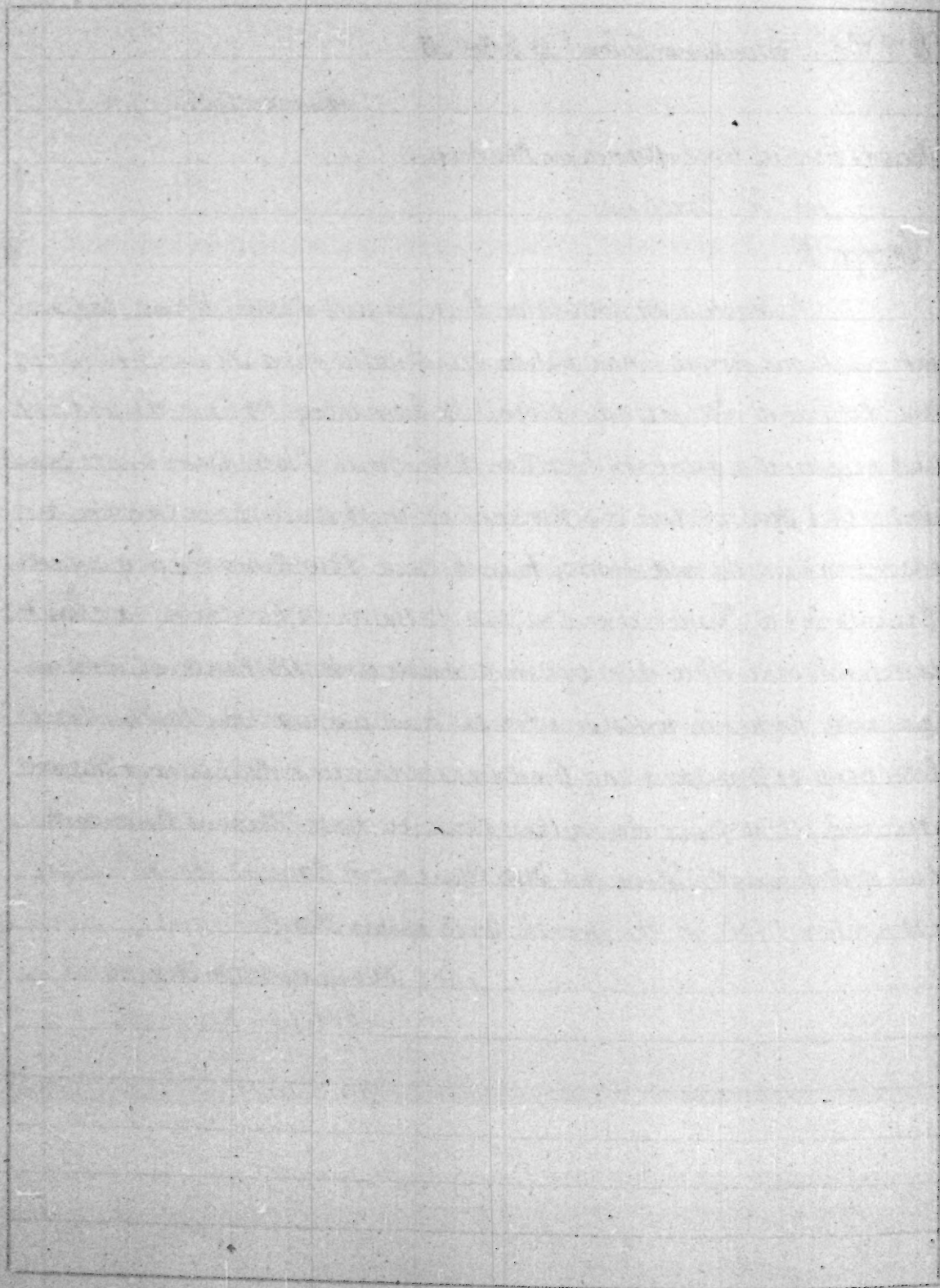
30 November 1730

Theoph Gregory Esq Master in Chancery
in So: Carolina

George R

Trusty and well beloved we Greet you well Whereas we have taken into our Royal Consideration the Loyalty Integrity and Ability of our trusty and well beloved Theophilus Gregory Esq we have thought fit to authorize and require you forthwith to cause Letters patents to be passed under our Seal of that Our Province of South Carolina in America for constituting and appointing him the said Theophilus Gregory Master of our Court of Chancery in our said Province to have hold exercise & enjoy the said Office during Our pleasure and his Residence within our said Province together with all and singular the Rights Salaries Fees profits privileges and Emoluments thereunto belonging or appertaining. And for so doing this shall be your Warrant And so we bid you farewell Given at Our Court at S^t James's the 30th day of November 1730 in the fourth year of our Reign

By His Majesty's Command
Nolles Newcastle



B P R O Plantations General B. 2 vol 56

7 January 1732

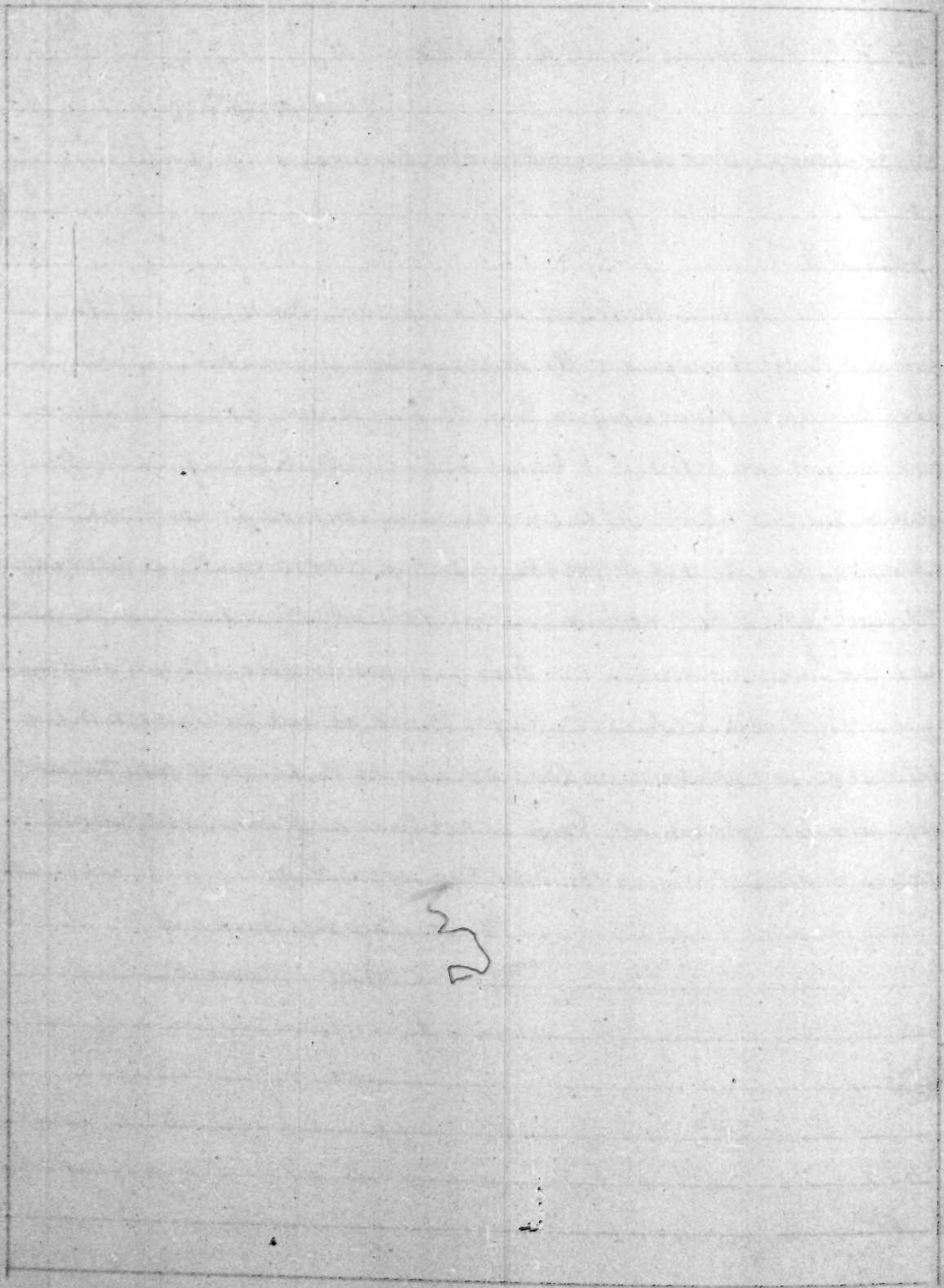
Isaac Amyard Clerk of the assembly South Carolina

George A

Trusty and Wellbeloved we Greet you well Whereas we have taken into our Royal Consideration the Loyalty Integrity and Ability of our Trusty and Wellbeloved Isaac Amyard Gent. We have thought fit hereby to authorize and require you forthwith to cause Letters patents to be passed under Our Seal of that Our province of South Carolina in America for constituting and appointing him the said Isaac Amyard Clerk of our Assembly in our said province to have hold exercise and enjoy the said Office during our pleasure and his Residence within our said province together with all and singular the Rights Salaries Fees Profits Privileges and Emoluments thereto belonging or appertaining And for so doing this shall be your Warrant And so we bid you farewell Given at our Court at St James the seventh day of January 1732 in the Fifth Year of our Reign

By His Majesty's Command

Holles Newcastle



B. P. R. O. Plantations General B. T. Vol 55 p 72

(11 Feb 1731)

Georgius secundus Dei Gratia Mag Britanniae Francie
et Hiberniae Rex fidei Defensor &c. Omnibus ad Quos
presentes Litere pervenerint Salutem Inspecimus Irrota-
lumentum quarundam Literarum nostrarum Paten-

Dat apud Westmonasterium undecimo Die
Februarii Anno Regni nostri quarto Edwardo Berke
Armiger et Johi Hammeton Armiger fact et
concess ac in Rotulis Cancellarii nre de Recordo
remanen in hec Verba. George the second by the
Grace of God &c To all to whom these Presents
shall come Greeting Whereas the late Lords Proprie-
tors of the Province of South Carolina in America,
did by a Grant under their Hands and the Seal
of the sd Province bearing date the 27th Day of Septem^r
1725, constitute & appoint Edward Berke Esq. to be Sec^y
and Register of that part of the Province of Carolina
that lyes South and West of Cape Fear, thereby
authorizing him and giving him full Power and au-
thority either him or by his Deputy or Deputies
from time to time by him appointed by Writing or
Writings under his Hand and Seal to be present at
all Meetings of the Gov^r and Council and of the
Assemblies

Assemblies and to keep an exact Register of all their Proceedings Acts and Orders, And also to receive from the Surveyor or Surveyors Gen^l all Certificates of Lands by him set out and surveyed according to the Warrant to him directed and to draw up all such Leases, Conveyances and Assurances of Lands as he should from time to time by the said L^{ds} Proprietors or by the Governor with the consent of four or more of the Council be appointed, and when they were legally signed and executed he should carefully enroll the same and do and perform himself or by his Deputy all other Acts usually done by the former Sec^{ys} of that part of the Province afores^d And the S^t Lords Proprietors did thereby further empower him to receive all Perquisites, Fees and Advantages whatsoever to the said Office of Sec^y belonging or in any wise appertaining To have and to hold the said Office of Sec^y and Register together with all the Profits and Perquisites thereof to him the said Edward Bertie and his Assigns with such Power of appointing Deputies as afores^d for and during the Term of the natural Life of him the said Edward Bertie and William Bertie his Brother and the Survivor of them as by the said

said recited Grant from the Lords Proprietors aforesaid (relation being thereunto had) may more fully and at large appear, And Whereas in an Act of Parliament pass'd in the second Year of Our Reign Entituled, An Act for establishing an Agreement with seven of the Lords Proprietors of Carolina for the Surrender of their Title and Interest in that Province to His Mat^y; There is a Clause in the Words or to the Effect following vizt Saving also to all and every Person & Persons having or lawfully claiming any Office or Offices Place or Places, Employment or Employments by or under any Grant or Grants thereof made before the 1st Day of Jan^y 1737 under the common Seal of the said Lords Proprietors, either in England or in the Provinces afores^d all such Estate, Right & Title and Interest in or to such Office and Offices, Place & Places, Employment and Employments as they or any of them now have or might have had or been entituled unto in case this Act had never been made as by the said Act (relation being thereunto had) may appear, And Whereas the said Edward Bertie hath by an Endorsement in the Grant from the Lords Proprietors afores^d under his Hand and Seal bearing date the 26th Day of December 1739 and

and duly enrolled in Our High Court of Chancery, surrendered and yielded up to us. Our Heirs and Successors the said recited Grant and all his Right and Interest of in and to the Office of Sec^y and Register of the said Province by virtue of the said recited Grant, to the End and Intent that the same might from thence forth be void and extinguished to all Intents and Purposes whatsoever, which surrender We have accepted and by these Presents do accept, Now know Yee, that Wee for divers good causes and Considerations Us thereunto moving of Our especial Grace certain knowledge & meer motion have given and granted and by these Presents for Us Our Heirs and Successors do give and grant unto y^e said Edward Bertie and to Our Trusty and Wellbeloved John Hammerton Esq^r the Offices of Sec^y and Register of Our Province of South Carolina in America, and them the said Edward Bertie and John Hammerton Sec^y and Register of Our said Province of South Carolina, We do make ordain and constitute by these Presents, to have hold, execute & enjoy the same by them the said Edward Bertie and John Hammerton or either of them or by their sufficient Deputy or Deputies for and during the Lives of the sd^t Edward Bertie

Bertie and John Hammerton and the life of the
 longer liver of them with all Rights, Privileges,
 Profits, Perquisites and Advantages to the said Officers
 belonging and appertaining, And We do hereby for Us
 Our Heirs and Successors grant unto the said Edward
 Bertie and John Hammerton full Power and Authority
 by themselves or either of them or by their suf-
 ficient Deputy or Deputies by them to be appointed
 by writing or writings under their Hands and Seals
 to be present at all Meetings of the Gov^r and Council
 and of the Assemblies and to keep an exact Reg-
 ister of all their Proceedings Acts and Orders, and
 also to receive from the Surveyor or Surveyors Gen^l
 all Certificates of Lands by him set out and surveyed
 according to the Warrants to him directed, and to
 draw up all such Leases, Conveyances and Assurances
 of Land as the said Edward Bertie and John Ham-
 merton shall from time to time by Us, Our Heirs
 or Successors or by the Gov^r of Our said Province
 with the Consent of four or more of the Council be
 directed, and when they are legally signed and executed
 carefully to enroll the same and to do and perform
 by themselves or either of them or by their Deputy
 all other Acts usually done by the former Sec^y in
 Our

Our said Province. And lastly We do hereby for us
 Our Heirs and Successors grant unto the said Edward
 Bartie and John Hammerton that these Our Letters
 Patents or the Enrollment, or Exemplification thereof
 shall be in and by all things good firm valid &
 sufficient and effectual in the Law according to the
 true intent and meaning thereof. Notwithstanding
 the not truly or fully reciting the said Grant &
 from y^e said Lords Proprietors, the said Act of
 Parliament and surrender or either of them or the
 Dates thereof, or any other Omission Imperfection
 Defect, Matter, Cause or Thing whatsoever to the
 contrary thereof in any wise notwithstanding. In
 Witness & Witness Our Self at Westminster the 11th
 Day of Feb^r in the 4th Year of Our Reign, Nos
 igitur tenorem Instrumenti & dicti ad requisitionem
 & facti Edwardi Bartie et Johis Hammerton, Ducimus
 Exemplificand & Presentes. In hujus rei Testimonium
 has Literas nostras fieri fecimus Patentes Teste me
 ipso apud Westmonasterium Duodecimo die Octobris
 Anno Regni N^{ri} Quinto

Signed, Sehyll Enot

Execut & Nos { John Tolhill } hanc Magis
 { Ant^m Allen }
 End. A.S.

B. P. R. O. Plantations General B. T. Vol 55 p 51

(11th February 1731)

George the Second by the Grace of God of Great Britain, France and Ireland King Defender of the Faith &c To all to whom these shall come Greeting Whereas the late Lords Proprietors of Carolina did by a Grant under their hands and the Seal of the said Province bearing Date the Twenty seventh day of September Anno Dni 1725 Give and Grant unto Thomas Lowndes Gent his Heires and Assignes the Office and Place and Offices and Places of Provost Marshall Clerk of the Peace and Clerk of the Crown of and in the Province of South Carolina in America for the several and respective natural Lives of the said Thomas Lowndes and Hugh Watson of the Middle Temple Gent do execute the same by the said Thomas Lowndes his Heirs and Assigns or by his or their sufficient Deputy or Deputies and the said Lords Proprietors did thereby Authorize and empower the said Thomas Lowndes his Heirs and Assigns to demand receive take and enjoy all Salaries Wages Fees Allowances Profits Perquisites Travelling Charges Bill Money Benefits Immunities Privileges Advantages and Emoluments any wise incident or appertaining to the said offices

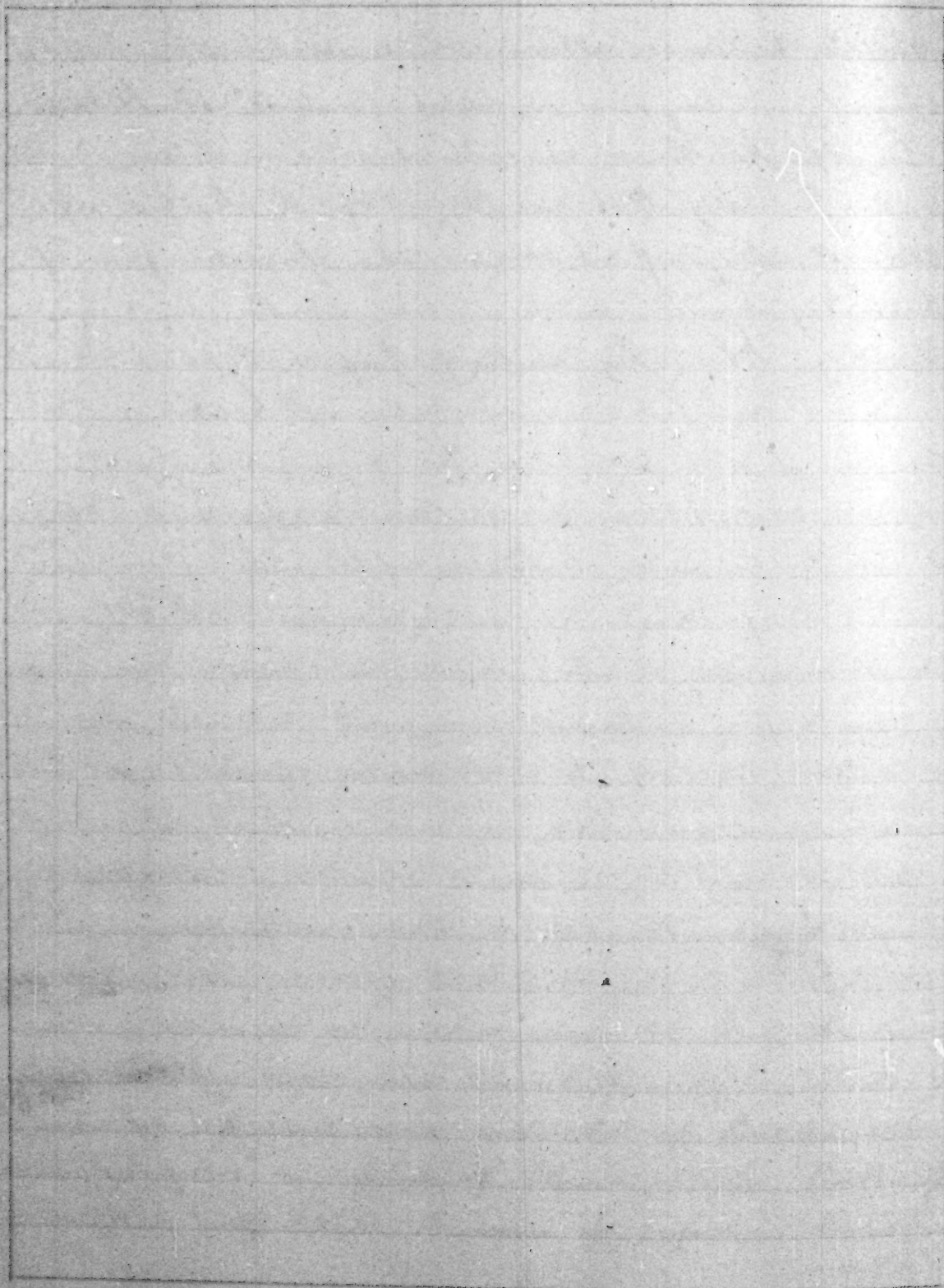
Offices or Places or any of them in as ample and
 beneficial manner as any former Provost Marshall or
 Marshalls Clerk of the Peace and Clerk of the Crown
 of and in the sd Province of South Carolina or any
 Provost Marshall Clerk of the Peace and Clerk of
 the Crown of any other Province or Colony in America
 have or hath used had received or enjoyed as by the
 said recited Grant (relation being thereunto had)
 may more fully and at large appear And Whereas
 in an Act of Parliament passed in the second Year
 of Our Reign entitled (An Act for establishing an
 Agreement with seven of the Lords Proprietors of
 Carolina for the Surrender of their Title and Interest
 in that Province to his Majesty) There is a Clause
 in the Words or to the Effect following Right Saving
 also to all and every Person and Persons having or
 lawfully claiming any Office or Offices Place or Places
 Employment or Employments by or under any Grant
 or Grants thereof made before the first Day of
 Jan^y 1727 under the common Seal of the said
 Lords Proprietors either in England or in the Pro-
 vinces aforesaid, all such Estate, Right Title and
 Interest in or to such Office and Offices Place and
 Places Employment and Employments as they or any of
 them

them now have or might have had or been intituled
 unto in case this Act had never been made, as
 by the said Act (relation being thereunto had) may
 appear And Whereas the said Thomas Lowndes hath
 by the Endorsement on the said Grants from the Lords
 Proprietors aforesaid bearing Date the 29th Day of April
 1730, and duly Enrolled in Our high Court of Chancery
 surrendered (in or Order to be cancelled) unto Us Our
 Heirs and Successors all his Right Title, Claim and
 Demand whatsoever to the above recited Grant of
 the Office of Provost Marshall Clerk of the Peace
 and Clerk of the Crown aforesaid which Surrender We
 have accepted and by these Presents do accept Now
 know Ye, that We for very good Causes and Con-
 siderations us thereunto moving of Our especial Grace
 certain knowledge and meer Motion, have given and
 granted and by these Presents for Us Our Heirs and
 Successors do give and grant unto the said Thomas
 Lowndes & his Assigns the Offices or Places of Provost
 Marshall Clerk of the Peace and Clerk of the Crown
 of and in Our Province of South Carolina in Amer-
 ica and from the said Thomas Lowndes Clerk of
 the Peace and Clerk of the Crown of and in
 Our said Province of South Carolina in America
 We

We do make ordain and constitute by these Presents
 To have hold execute and enjoy the said Offices by
 him the said Thomas Lowndes and his Assignes
 or by him or their sufficient Deputy or Deputies
 for and during his own life and the life of the
 said Hugh Waton of the Middle Temple London
 Gent and the Survivor of them together with all
 Salaries, Fees Perquisites Profits Advantages and
 Privileges whatsoever to the said Offices belonging in
 as full and ample Manner to all Intents and
 Purposes as the Person or Persons have or hath
 heretofore held and enjoyd or of Right ought to have
 held and enjoyd the same And lastly we do here-
 by for us Our Heirs and Successors, grant unto
 the said Thomas Lowndes and his Assigns, that
 these Our Letters Patents or the Enrollment or the
 Exemplification thereof shall be in and by all
 things good, firm, valid, sufficient and effectual
 in the Law, according to the true intent and
 meaning thereof. Notwithstanding the not truly or
 fully reciting the said Grant from the Lords
 Proprietors aforesaid, the said Act of Parliament
 and Surrender or either of them or the Dates
 thereof or any other Omission Imperfection Defect
 Matter

Matter Clause or Thing whatsoever to the contrary
thereof in anywise notwithstanding. In Witness
whereof We have caused these Our Letters to be
made Patents, Witness Our Self at Westminster
the 11th Day of Febr^y in the fourth Year of
Our Reign

By writ of Privy Seal
Bochs



B P R O Plantations General B T Vol 55 p 65

(22^d March 1734)

George R.

George the Second by the Grace of God of Great Britain France & Ireland King Defender of the Faith &c. To All to whom these presents shall come Greeting. Whereas by means of good & sufficient Assurances in the Law, and by virtue of an Act of Parliament passed in the Second Year of Our Reign Intituled An Act for Establishing an Agreement with seven of the Lords Proprietors of Carolina for the Surrender of their Title and Interest in that Province to his Majesty We Our Heirs and Successors are sayed in right of Our Crown of and in all those seven undivided Eighth parts (the whole into eight equal Parts or Shares to be divided) of and in sundry Provinces or Territories called Carolina, which his late Majesty King Charles the Second granted in perpetuity to sundry Persons in the said Act named their Heirs and Assigns, and made created and constituted the same Persons their Heirs and Assigns the true and absolute Lords and Proprietors of the said Country. And by virtue of the same Assurances and Act of Parliament seven eighth parts the whole into eight equal parts to be

be divided of all and every arrears of Quit rents, and
 other Rents Sum & Sums of Money, Debts, Duties Account
 reckonings, claims and Demands whatsoever then due
 and owing to the said Lords Proprietors are vested in
 us, Our Heirs and Successors, as in and by the said
 Conveyances & assurances the Tenours whereof are re-
 cited in the said Act and also by the said Act
 relation being thereunto had may more fully and at
 large appear Now Know Ye that We very much
 confiding in the Ability care and fidelity of Our
 Trusty and Welbeloved James St John Gent^r have
 nominated constituted & appointed And by these Presents
 do nominate constitute and appoint him the said James
 St John to be Surveyor General for the Admeasuring &
 Surveying & selling out of Lands in that part of our
 Province of Carolina called South Carolina, and to
 do & execute & perform by himself or his sufficient
 Deputy or Deputies all things whatsoever which
 belong to the said Office of Surveyor General & to
 receive and take all Fees Perquisites Profits and
 Advantages whatsoever thereunto incident or appertain-
 ing. And Whereas We are advised it will be for
 Our Service that a particular Officer should be ap-
 pointed to inspect & Comptrole the Quit Rents & other
 Rents

Rents and Revenues arising to us as well within Our said Province of South Carolina as within Our Province of North Carolina. Know ye therefore that We have nominated constituted and appointed, and do by these Presents nominate, constitute and appoint him the said James St John to be the Inspector and Controller of the said Rents and other Rents & Revenues arising to us within Our Provinces or Territories aforesaid; To have hold exercise and enjoy as well the said Office of Surveyor General, as the said Office of Inspector and Controller by himself or his Sufficient Deputy or Deputies for and during Our Pleasure. And We do hereby charge and require the said James St John in the Exercise and Execution of the said respective Offices or either of them to Observe and Perform all such Orders, Rules, & Instructions as either We or the high Treasurer or Commiss^r of Our Treasury for the time being, or Our Commiss^r for Trade & Plantations for the time being, shall in that behalf from time to time think fit to Order Direct and Appoint. And for the Encouragement of the said James St John to execute the said respective Offices and every of them in all things as becometh, We have given and granted, and do by these

these presents give and grant unto the said James St John the Salary or Allowance of One hundred Pounds per Ann in the Proclamation Money of Carolina which said Allowance of One hundred Pounds per Ann is to commence from the Day of the Date hereof and to be had and received by him or his Assignes from time to time Quarterly during our Pleasure out of Our said Duties or other Our said Rents and Revenues by the hands of the Receiver General thereof for the time being; And the Acquittances of the said St John or his Assigns for the same shall be unto Our said Receiver General good and Sufficient Discharges for the payment thereof. And We do hereby Order and Direct that these presents be forthwith Entered and Inrolled before the Lords Commiss^{rs} for Trade & Plantations and before the Auditor & Surveyor General of Our Revenues in America and being so entered and inrolled We do Charge and require all our Governors Lieut Governors, Commanders in Chief, and other Our Officers and Ministers whatsoever within our said Provinces & Territories to take notice thereof, And to be aiding and assisting unto the said James St John his Deputy or Deputies in the due Execution of any the Officers to which he is

is hereby nominated in all things as becometh
and as Our Service may require. Given at Our Court
at St James this 22^d Day of March 1734, in the
fourth Year of Our Reign.

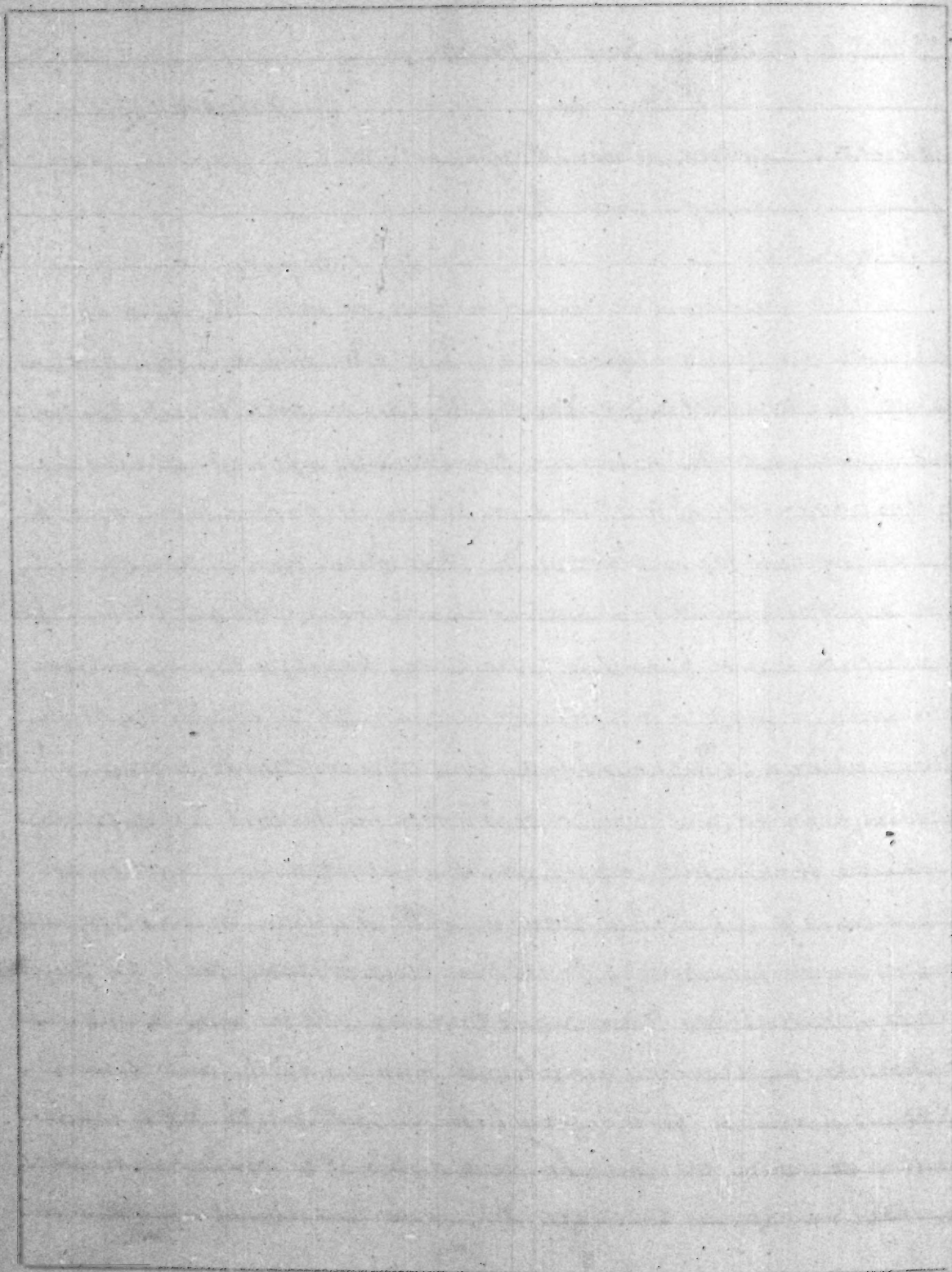
By his Majesty's Command
Signed R.^o Walpole
W. Clayton

Intreated in Office Horat Walpole W. Yonge

Amig Audit America 26. die March 1734

Anno Rni Georgii 2^d Reg^d Quarto

Pet Lehman



B. P. R. O. Plantations Gen^l B 2 vol 56

2. March 1733

Jos. Jox Naval Officer in South Carolina

George A

Trusty and Wellbeloved we Greet you well Whereas we have taken into our Royal consideration the Loyalty Integrity and Ability of our Trusty and Wellbeloved Joseph Jox Esq. We have thought fit hereby to authorize and require you forthwith to cause Letters patents to be past under our Seal of that our Province of South Carolina in America for constituting and in appointing him the said Joseph Jox Clerk of the Naval or Navy office in our said Province. To have hold exercise and enjoy the same to him the said Joseph Jox by himself or his sufficient Deputy or Deputp during our pleasure together with all and singular the Joes. Rights. Privileges Perquisites and Advantages to the said office or place belonging or appertaining. with a Provide. that nothing in the said Letters patents contained shall extend or be construed to extend to the Prejudice or disadvantage of Our High Admiral of Great Britain or of our Admiralty of Our Foreign plantations for the time being or of any the Rights. Privileges. Jurisdictions powers and Authorities to the same in any wise appertaining. And you are likewise to insert in the said Letters patents a Clause for obliging him the said Joseph Jox to reside within our said Province and not to depart or be absent from thence without our special leave and Licence in that behalf And for so doing

doing this shall be your Warrant. And so we bid you farewell Given at
Our Court at St James's the 2^d day of March 1733, in the sixth Year of
our Reign

By His Majesty's Command
Nolles Newcastle

To Our Trusty and Well beloved Robert Johnson Esq Our Captain Gen^l
and Gov^r in Chief of Our Province of South Carolina in America and
in his Absence to Our Commander in Chief or to the President of our
Council of our said Province for the time being.

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B. P. R. O. Plantations Gen^l. B. 2 vol 56

30. April 1733

James Medderburn Esq

Clerk of the Common Pleas in So. Carolina

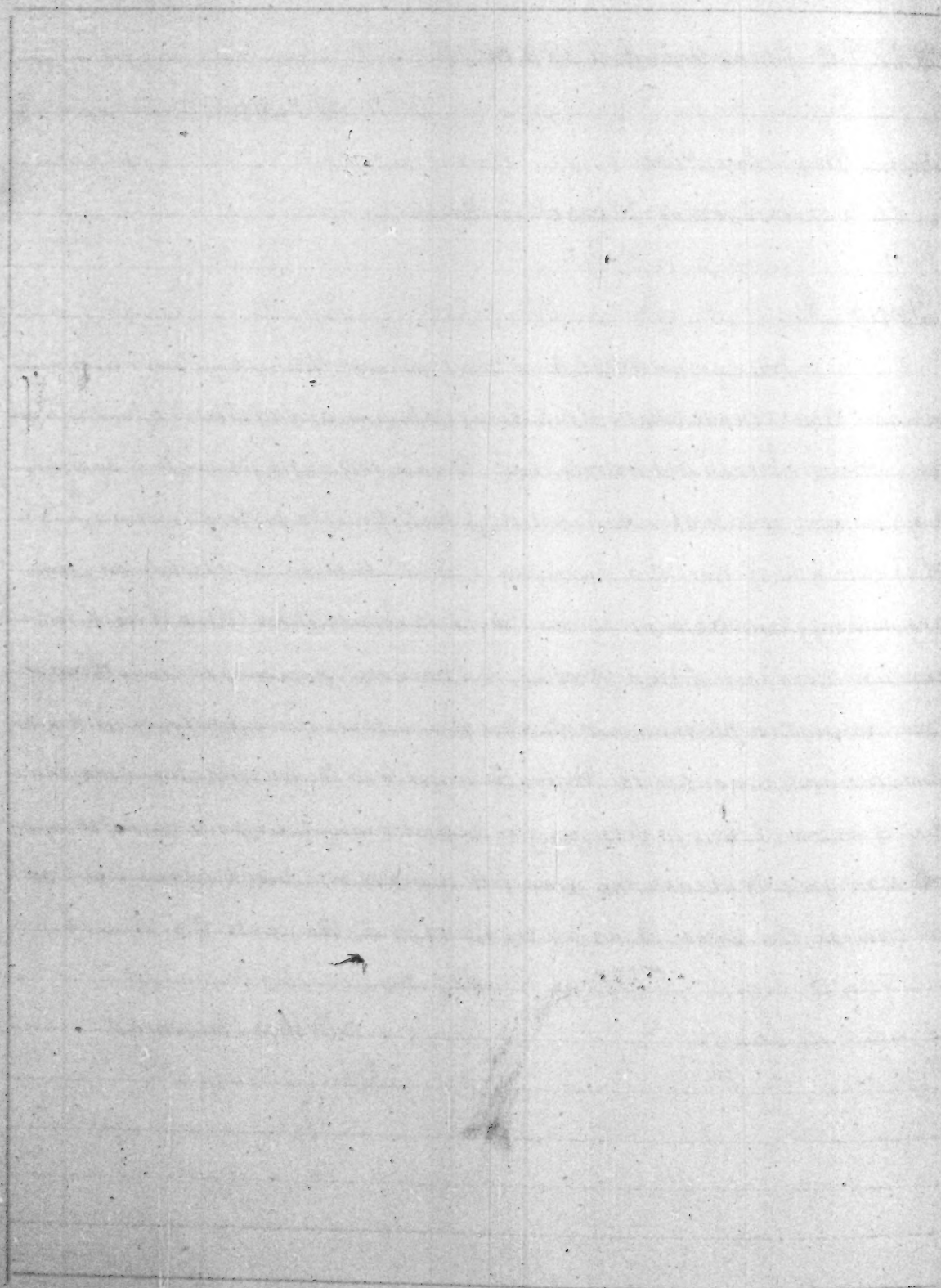
George R.

Trusty and Well beloved we Greet you Well whereas we have taken
into our Royal Consideration the Loyalty Integrity and ability of our Trusty &
well beloved James Medderburn Esq. We have thought fit hereby to authorize
and require you forthwith to cause Letters patents to be passed under
that Our Seal of that Our province of South Carolina in America for
constituting and appointing him the said James Medderburn Clerk of the
Common Pleas in our said province to have hold exercise and enjoy the said
Office during Our pleasure and his Residence within our said province together
with all and singular the Rights Salaries Fees profits privileges and em-
oluments thereunto belonging or appertaining And for so doing this
shall be your Warrant And so we bid you farewell Given at our Court at
St James's the Thirtieth day of April 1733 in the Sixth Year of our Reign

By His Majestys Command

Holles Newcastle

Directed ut supra



B.P.R.O. Plantations General B. 2. vol 56

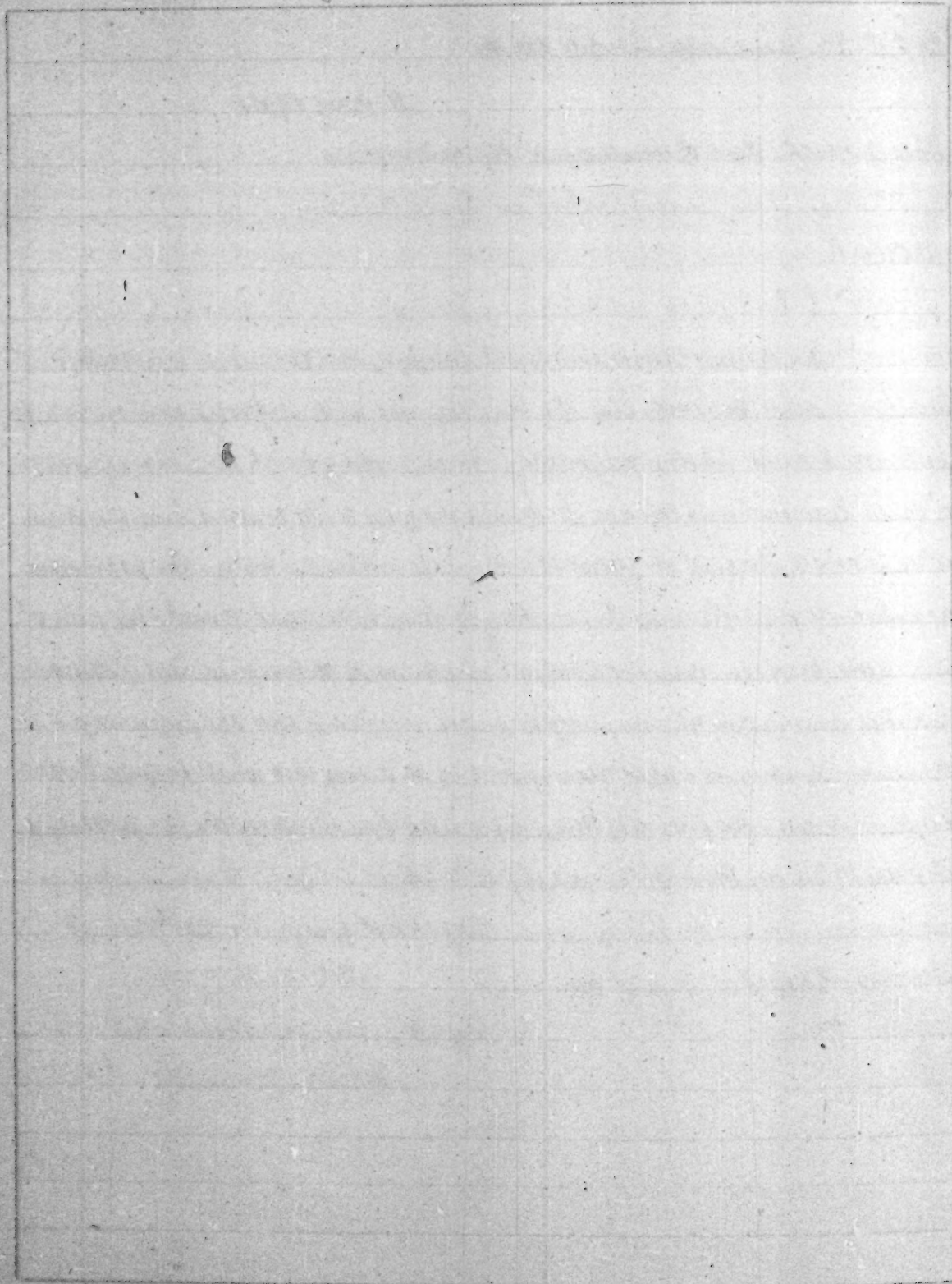
23 May 1734

James Wright Esq. Remembrancer, Clerk of the Pleas
and Excheq^r in South Carolina

George R

Trusty and wellbeloved we Greet you well. Whereas we have taken
into our Royal Consideration the Loyalty Integrity and Ability of our Trusty
and Wellbeloved James Wright Esq. We have thought fit to Authorize and
require you forthwith to cause Letters patents to be passed under our seal
of that our Province of South Carolina in America for constituting and
appointing him the said James Wright Remembrancer, Clerk of the Pleas
and Excheq^r of our Court of Excheq^r in our said Province to have hold
exercise and enjoy the said Office or place during our pleasure and his
Residence within our said Province together with all and singular the
Rights Salaries Fees profits Privileges and Emoluments thereunto belonging
or appertaining And for so doing this shall be your Warrant And so
we bid you farewell Given at our Court at St James the 23rd day of
May in the Eighth year of our reign

By His Majesty's Command
Nolles Newcastle



B P R O Plantations General vol 56

10 July 1734

John Beswicke Clerk of the Markets Charles Town

George R.

Trusty and wellbeloved we Greet you well Whereas we have taken
into our Royal Consideration the Loyal Integrity and Conduct of our Trusty and
Wellbeloved John Beswicke Sent We have thought fit to authorize and require you
forthwith to cause Letters patents to be passed under our Seal of that our Province
of South Carolina in America for constituting and appointing him the said
John Beswicke Clerk of the Markets of our Town of Charles Town Beaufort Town
and Port Royal in our said Province to have hold exercise and enjoy the
Office unto him the said John Beswicke by himself or his sufficient Deputy or
Deputies during our pleasure Together with all his profits and Advantages in
thereunto belonging or appertaining and for so doing this shall be your Warrant
And so we bid you farewell Given at our Court at Kensington the tenth day
of July 1734 in the Eighth year of our Reign

By His Majesty's Command

Holles Newcastle

Directed ut supra

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B. P. R. O. Plantations General B. D. Vol 56

14 October 1735

Samuel Wheatley Esq. Naval Officer in S^c Carolina

By Her Majesty the Queen Guardian of the Kingdom 1^c
Caroline R. C. R.

Whereas we having taken into our Royal Consideration the Loyalty Integrity and Ability of Sam^l Wheatley Esq. We have thought fit in His Majesty's Name hereby to authorize and require you forthwith to cause Letters Patents to be past under the Great Seal of that His Ma^{ty} Province of South Carolina in America for constituting and appointing him the said Samuel Wheatley Clerk of the Naval or Navy Office in the said Province in the room of Joseph Fox Esq. deceased to have hold exercise and enjoy the same to him the said Samuel Wheatley by himself or his sufficient Deputy or Deputies during His Majesty's pleasure together with all and singular the Fees, Rights Privileges perquisites and Advantages to the said Office or place belonging or appertaining with a proviso that nothing in the said Letters Patents contained shall extend or be construed to extend to the prejudice or disadvantage of the Office of His Majesty's High Admiral of Great Britain or of His Majesty's Admiralty of His Foreign Plantations for the time being or of any the Rights Privileges Jurisdictions powers or Authorities to the same in anywise appertaining And you are likewise to insert in the said Letters Patents a clause for obliging him the said Samuel Wheatley to reside within his Majesty's said Province and not to depart or be absent from thence without his

Ma^{ty}

Her Majesty's special leave and licence in that behalf And for so doing this we
shall be your Warrant And so we bid you farewell Given at our Court at
Hensington the 4th day of October 1735. in the Ninth year of His Majesty's
Reign

By Her Majesty's Command
Hollis Newcastle

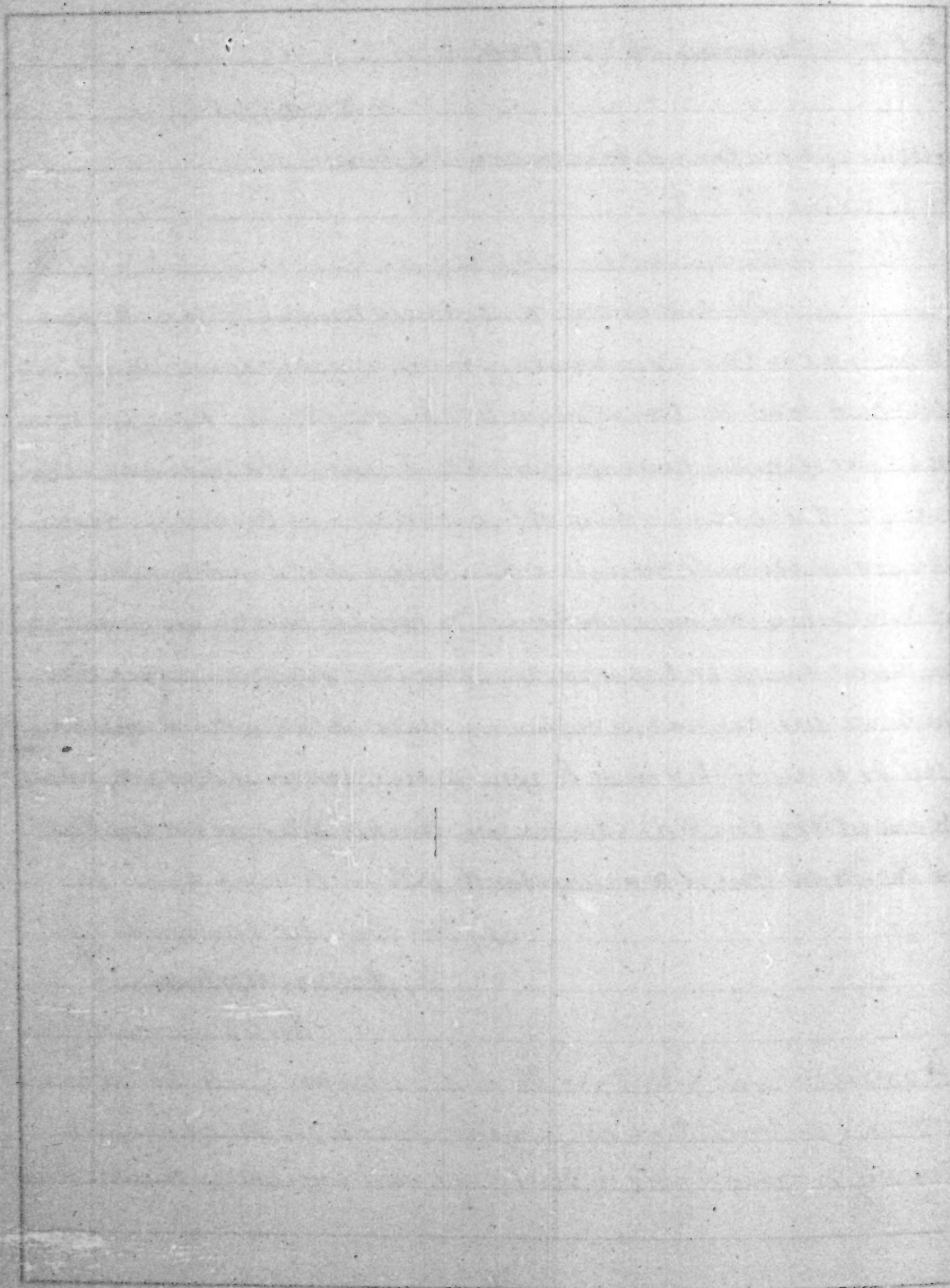
B. P. R. O. Plantations Gen^l B 2 vol 56

14 October 1735

Nathaniel Cruttendon Vendue Master in South Carolina
Caroline R. C. R.

Whereas we have taken into our Royal consideration the Loyalty Integrity and Conduct of Nathaniel Cruttendon Gent We have thought fit in His Majesty's name hereby to authorize and require you forthwith to cause Letters Patents to be past under the Great Seal of that His Majesty's province of South Carolina in America for constituting and appointing him the said Nathaniel Cruttendon Vendue Master in the said province to have hold exercise and enjoy the said office unto him the said Nathaniel Cruttendon by himself or his sufficient Deputy or Deputies during His Majesty's pleasure together with all Fees profits and Advantages thereunto belonging or appertaining and for so doing this shall be your Warrant And so we bid you farewell
Given at the Court at Kensington the Fourth day of October 1735
in the Ninth Year of His Majesty's Reign

By Her Majesty's Command
Hollis Newcastle



B.P.R.O. Plantations Gen^l 33 vol 56

30 March 1736

Maurice Lewis Esq. Master in Chancery S^c Carolina

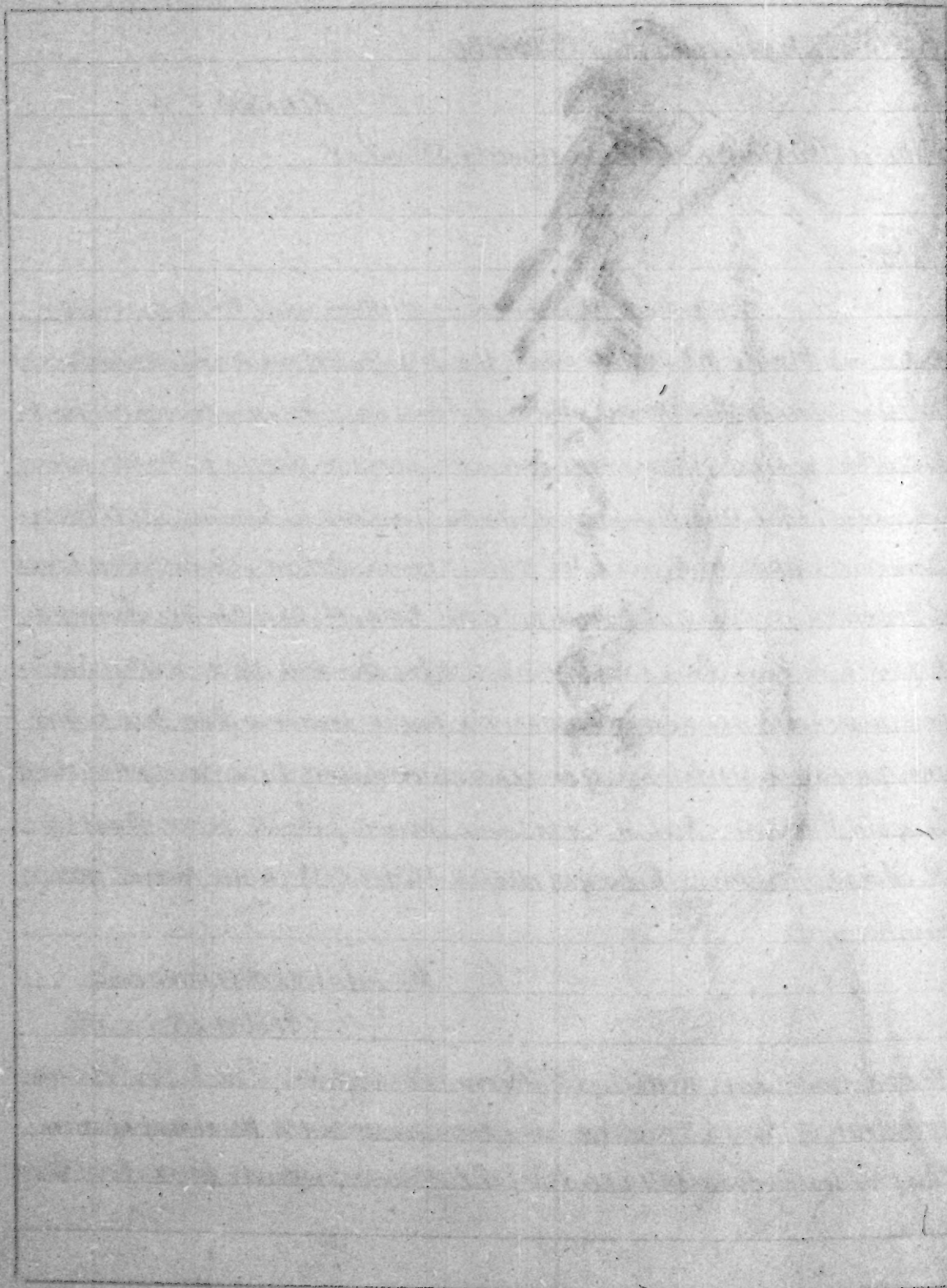
George R.

Trusty and Wellbeloved we greet you well Whereas we have taken into our Royal Consideration the Loyalty Integrity and Ability of our Trusty and Wellbeloved Maurice Lewis Esq. We have thought fit hereby to Authorize and require you forthwith to cause Letters patents under our Seal of that our Province of South Carolina in America for constituting and appointing him the said Maurice Lewis Master of our Court of Chancery in our said Province in the Room of Theophilus Gregory Esq. deceased to have hold exercise and enjoy the said Office during our pleasure with all and singular the Rights Salaries Fees profits Privileges thereunto belonging or appertaining and for so doing this shall be your Warrant. And so we bid you farewell Given at our Court at S^t James the Thirtieth day of March 1736 in the ninth year of our Reign

By His Majestys Command

Nolles Newcastle

To our trusty and wellbeloved Thomas Broughton Lieut. Gov^r of our Province of South Carolina in America or to the President of our Council or Commander in Chief of our said Province for the time being



B. P. R. O. Plantations Gen^l. B. 3 vol 56

19 October 1733

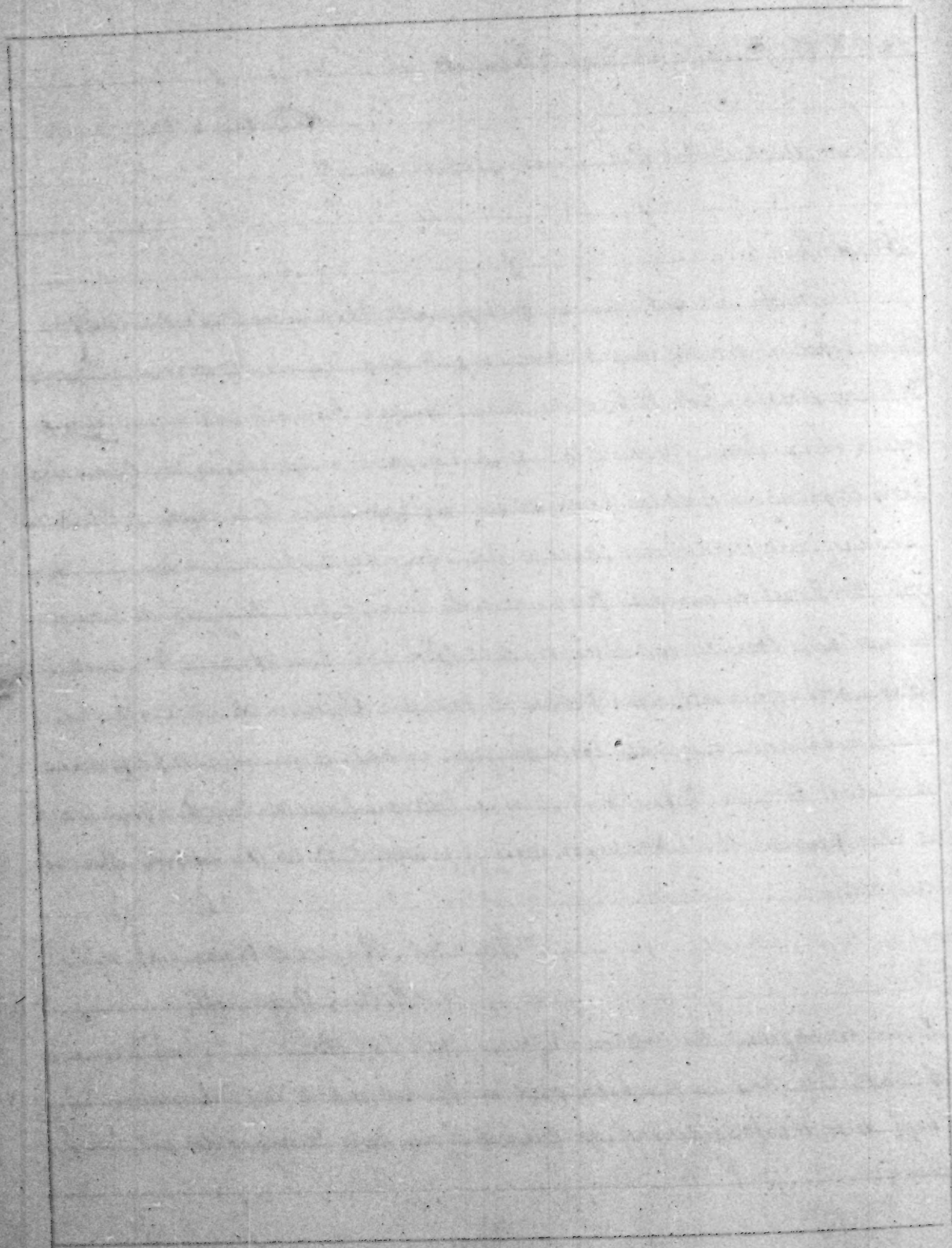
William Mackay Clerk of the Markets at Charles Town^r

George R.

Trusty and wellbeloved we greet you well Whereas we have taken into our Royal Consideration the Loyalty Integrity and conduct of our Trusty and wellbeloved William Mackay Gent. We have thought fit hereby to Authorize and require you to forwith cause Letters Patents to be passed under our Seal of that our Province of South Carolina in America for constituting and appointing him the said William Mackay Gent. Clerk of our Markets of our Towns of Charles Town Beaufort Town and Port Royal in our said Province in the Room of John Desurche, deceased to have hold exercise and enjoy the said Office unto him the said W^m. Mackay by himself or his sufficient Deputy or Deputies, together with all fees profits and Advantages thereunto belonging or appertaining and for so doing this shall be your Warrant. And so we bid you farewell. Given at our Court at Kensington the Nineth day of October 1733 in the twelfth year of our Reign

By His Majesty's Command
Nelles Newcastle

To our trusty and wellbeloved William Bull Esq. Lieut. Gov^r of our Province of South Carolina in America and in his absence to the Commander in Chief or to the President of our Council of our said Province for the time being.



B P R O Plantations General D T Vol 55 p 126

(20th June 1737)

George. R.

George the second, &c To Our Trusty and
Wellbeloved James Oglethorpe Esq Greeting, We reposing
particular Trust and Confidence in your Prudence,
Courage & Loyalty, have appointed and by these Presents
do appoint you to be Gen^l and Commander in Chief
of all and singular Our Forces employed and to be
employed in Our Provinces of South Carolina and
Georgia in America and for the better Government
of them during their continuance under your Com-
mand, We have thought fit to authorize and
impower you to prepare and publish such Rules &
Ordinances as are fit to be observed by all Officers
and Soldiers of Our said Forces as also to punish
all Offenders & Transgressors against the same by Death,
or otherwise, according to the Nature of their Offences
as they shall appear before a Court Martial which
We do hereby give you full Power and Authority
to assemble as often as you shall see Occasion
pursuant to the Directions of an Act of Parliament
for punishing Mutiny and Desertion & according to their
Judgment, you are to cause Sentence to be pronounced
against

against the Person or Persons so offending either of
 Pains of Death, or such other Pains & Penalties as
 shall be thought fit to be inflicted by the said
 Court Mart^l wh^{ch} said Sentence or Sentences you are
 to cause to be put in Execution, or to suspend the
 same as in your Discretion you shall see cause;
 We giving you Power to reprieve any Person under
 Sentence till Our Pleasure be known; and that Our
 said forces may be supplied with Officers whilst
 under your Command, We do give you full Power and
 Authority in case of Death, Removal by Sentence of
 a Court Martial or the Quitting of any of the present
 Officers of the said Forces, to supply the said
 Vacancies by such Persons as you shall make
 choice of for that Purpose, who are to be acknow-
 ledged and to command in their respective Stations,
 as if they had receed Commiss^{ns} from us and to
 continue in their said Employments till Our further
 Pleasure be known, & for executing the several Powers
 and Authorities herein express, This shall be your
 Warrant. Given at Our Court at St James's the 20th
 Day of June 1737 in the Eleventh Year of Our Reign
 By his Majestys Command
 Sign'd Holles Newcastle

B. P. R. O. Plantations General B. T. Vol 65 p 126.

(11th May 1739)

George R.

George the second by the Grace of God,
of Great Britain, France and Ireland King Defender
of the Faith, &c To all Our loving Subjects whatsoever
to whom these Presents shall come or shall or may
appertain Greeting Whereas by reason of the many
Frauds, Inroachments, Concealments and Abuses com-
mitted with respect to the Grants of Lands, and the
Quit rents reserved thereon in the Provinces of South
and North Carolina in America, before y^e Property of
the Soil thereof became vested in Us, & likewise for
want of a due Regulation had in the publick
Offices in those Provinces, since Our Royal Instruct-
ions, to Our Governors or Commanders in Chief there,
have not hitherto had their desired Effect, by reason
whereof Our Officers there continue under great Difficul-
ties in ascertaining our Quit rents, and great Disputes
and Animosities have arisen in our said Provinces
thereupon, by which means our Revenues are not duly
collected and accounted for in our said Provinces, and
our Subjects there are likewise left in a precarious
Situation with regard to their Titles to the Land in their
Possessions,

Possessions; Now We judging it necessary as well for
 the Ease of Our Subjects in Our said Provinces of
 South & North Carolina, and the establishing quiet and
 good Order there, As for the regulating, ascertaining
 and improving our Revenues there, to Appoint a par-
 ticular Officer to be Our Commissioner for inspecting
 and controlling our Revenues, and the Grants of Lands
 in Our said Provinces. Know Ye that We reposing
 especial Trust and Confidence in the Ability, Care
 and Fidelity of Our Trusty and Wellbeloved Henry Mac
 bulloh Esq: have Nominated, Constituted, and appointed,
 And do by these Presents nominate constitute and
 appoint him the said Henry Mac bulloh to be Our
 Commissioner for supervising, inspecting and controlling
 our Revenues and Grants of Land as aforesaid in Our
 said Provinces of South and North Carolina. Hereby
 Giving and Granting unto him full Power to Examine
 and Enquire into all Frauds, Concealments, Neglects,
 Delays, & Abuses with Respect to the Grants of Lands
 there and the Quitrents payable thereupon And
 towards preventing and determining all Disputes relating
 to the Provinces, to Inspect into the Registers and Records
 of the said Provinces, and to Summon or cause to be
 summoned in Order to be examined before him all
 such

such Persons as he shall judge capable of giving him any Information relating to the Premises, and also where our said Commissioner finds after due Examination that Lands are claimed there under irregular Titles as exempted from Quitrents, or as liable to pay less Quitrents than those prescribed by Our Royal Instructions, or that any greater Quantities of Land are claimed or held by particular Persons than what they pay Quitrents for, or that Lands are not regularly settled according to the Conditions of the Original Grants; In all such Cases We do hereby give and grant unto the said Henry Maculloch full Power and Authority, And do hereby Charge and Command him to certify such Illegal Claims, Possessions, or pretended Exemptions to Our Attorney General in the said respective Provinces, to be immediately proceeded against according to Law; And in Case he finds no such Objections, to any Grants or Claims of Land there, to certify and attest the Truth thereof for the Satisfaction of the Parties desiring the same. And moreover We do hereby grant unto Our said Commissioner full Power to Inspect, and Enquire into the present Method of passing of Grants of Lands through the several Offices in Our said Provinces, and to settle and regulate the same.

same in such Manner that Our Royal Intentions
 declared in Our Instructions to our Governors there may
 be most effectually answered, and all Frauds and Abuses
 therein prevented, And also to settle and adjust pro-
 per Orders, and Rules to be observed for the more speedy
 collecting, receiving and accounting for Our Quitrents,
 and detecting and prosecuting any Persons concealing
 or detaining the same And for the Encouragement of
 the said Henry Mac bulloh diligently and faithfully
 to perform this Our Commission, and the Instructions
 relating thereto from time to time in all things
 as becometh, We do hereby Give and Grant unto him
 the Yearly Salary or Allowance of Six Hundred Pounds
 Sterling per Annum for himself, and two Hundred
 Pounds Sterling per Annum for his clerks and
 Substitutes, to commence and be Accompted payable
 from the Day of the Date hereof, And to be paid
 and payable Quarterly during his Continuance in the
 said Trust, or untill We shall think fit to Signify
 Our Pleasure to the contrary, which said Salaries or
 Allowances amounting together to Eight Hundred Pounds
 Sterling p Annum shall be established, and made
 payable unto him or his Assigns out of Our Revenues
 of Quitrents that shall be recovered and improved
 in

in our said Provinces, or either of them by the Hands
of Our Receivers Gen^l thereof, or either of them from
time to time next and immediately after satisfying
or reserving sufficient to satisfy and Pay all such
Salaries as have been already established by Us
and made payable to Our Governor of North Carolina,
and to other Our Officers in both the said
Provinces, and all the Arrears thereof, and to be
allowed on the said Receivers Accounts accordingly.
And We do hereby order and Direct the said Henry
Maculloch to observe and follow all such Orders,
Rules and Instructions as he shall receive from us
or the Commissioners of our Treasury, or Our Com-
missioners for Trade and Plantations for the time
being, for the more effectual Performance of the
Premises, and to give an Account of his Actings &
Doings in the Execution of this Trust, and of the
Depositions and Accounts that shall be taken in
writing, from time to time with all convenient speed
to the said Commissioners of Our Treasury and Our
Commissioners for Trade and Plantations. And We do
hereby Charge and Command our Provincial Treasurers
in the said Provinces, or their Deputies at the request
of the said Henry Maculloch to deliver to him
from

from time to time a true Account of all and every Person and Persons holding or Claiming Lands within his or their respective Districts, together with the Quantities of Land held and claimed by them and where situated, and how long the respective Possessors have held the same, and we do likewise strictly charge and command our Governors, Lieut. Governors, Commanders in Chief and all our Officers & whatsoever Ecclesiastical, Civil or Military and all other our loving Subjects whatsoever in the said Provinces who are or shall be any wise concerned in any the matters aforesaid, that they respectively at the request and requests of the said Henry Mac Culloch do from time to time not only permit him or such as he shall appoint to Inspect any Accounts Entries, or other Papers in their respective Custodies, touching or concerning the Premises, or any of them, but that they do also from time to time deliver or cause to be delivered to him or such as he shall appoint, such attested Copies, Notes or Extracts thereof, or any of them as he shall desire by any writing or Writings under his hand without any Charge for the same, And that they be at all times ready, and aiding to the said Henry Mac Culloch in the Execution of the Trust

Trusts hereby reposed in him as aforesaid. As they will answer the contrary at their Perils. And Lastly. We do hereby Direct and Command our Post-Marshal or their Deputies diligently & punctually to serve all such Messages, Summons, and Orders as our said Commissioner shall judge necessary to be served for our Service. Given at our Court at St. James's this Sixteenth day of May 1739 In the twelfth Year of our Reign.

By his Majesty's Command

Sign'd R. Walpole

Geo. Dodington

J. Earle

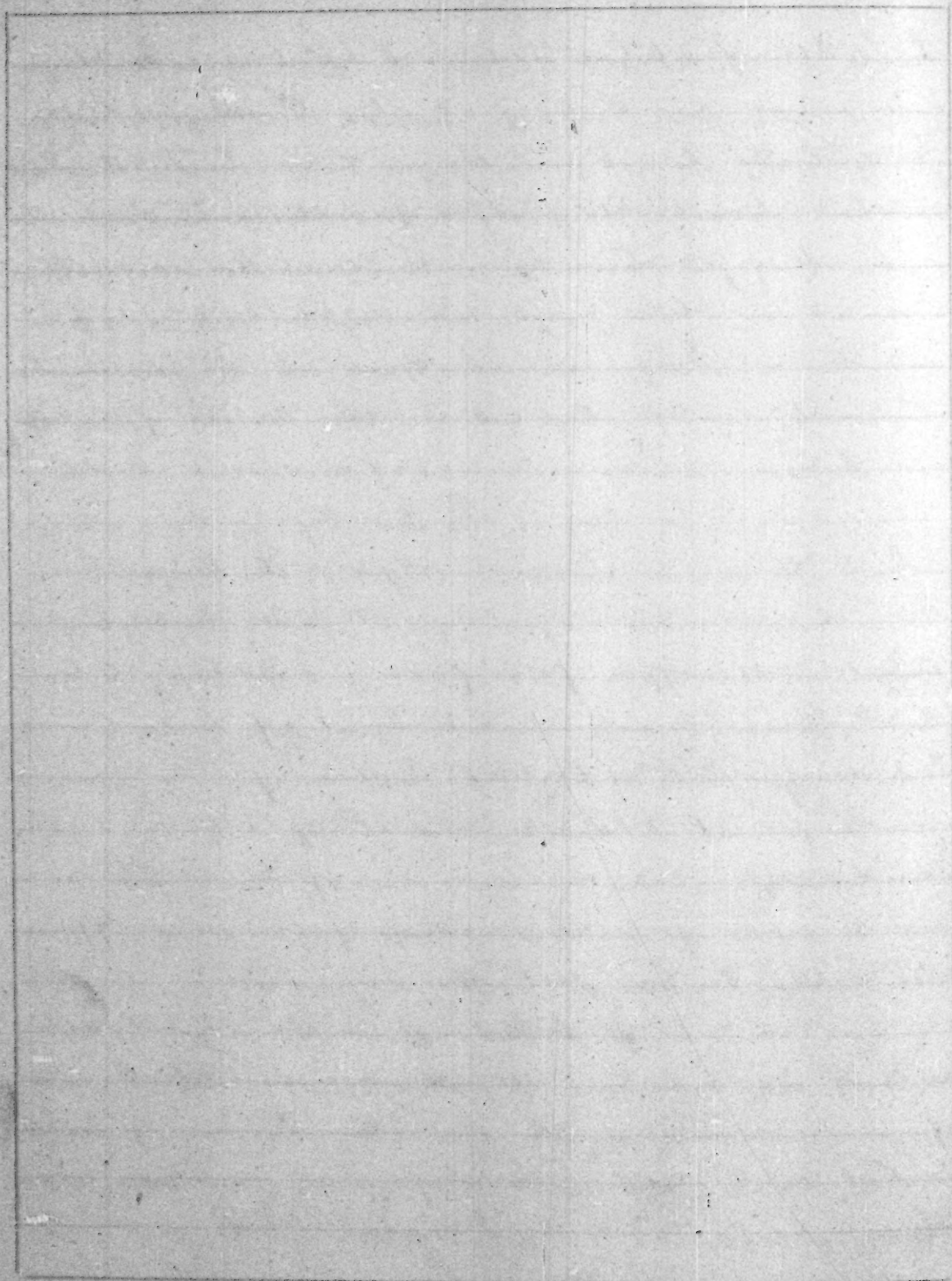
Entered in the office of the R^t
Hon^{ble} Horatio Walpole Esq^r Auditor
and Surveyor Gen^l of his Maj^{ty} Revenues
in America, at Whitehall this 20th day
of May 1739

Peter Schoup

Examind & Compar'd with the Original

J. S. Gallibrande

31 May 1739.



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B. P. R. O. Plantations General B. T. Vol 55 p 138

(16th May 1739)

George. R.

Orders, Rules and Instructions to be
observed by our Trusty & Wellbeloved Henry
Maculloch Esq: our Commissioner for
Supervising, Inspecting and Controlling
Our Revenues, and the Grants of Lands
in Our Provinces of South and North
Carolina.

With these Our Instructions you will receive Our
Warrant under Our Royal Sign Manual, constituting
You our Commissioner for Supervising, Inspecting and Con-
trolling our Revenues, and the Grants of Lands in our
Provinces of South and North Carolina; You are there-
fore to proceed with all convenient Speed to the said
Provinces, and when arrived in one of them, you are
to take upon you the Execution of the said Office
and Trust We have so reposed in you.

2. In Order to ascertain and secure the Rights
both of Us and Our Subjects in respect to Grants
of Lands claimed in the said two Provinces of South
and North Carolina, or either of them, as made in
the time of the Lords Proprietors, And quiet all
Disputes

Disputes now depending there in relation thereto, and likewise in Order to Supervise all Warrants, and Grants of Lands in either of the said Provinces that have been issued and passed since the Property in the Soil thereof became vested in Us, You are to Inspect the several Books of the Land Office, Secretaries and Surveyor's Offices, in each of the said Provinces, And to Order and Direct the Clerks in those respective Offices to lay before you Copies or Extracts of all the Warrants entered or lodged therein, that have been issued for Lands since 1716 and of all Grants that have been made in pursuance thereof. And of all Surveys and Returns that have been made by Virtue of such Warrants.

3. You are also to Inspect and Examine into the Accounts of the Receivers of Our Revenues arising in South and North Carolina, and to Order and Direct them to lay before you an Account of all the Quibants they have received, at what time, and from whom, distinguishing such Accounts as have been Audited, from those that have not, And in Order to prove the truth of those Accounts, You are to Direct Our Deputy Auditors in the said Provinces to give you the particulars of such Accounts as they

they have Audited, And that you may be better able to inform yourself what Persons have paid their Quitrents, and which of them have not, You are to order the said Receivers to lay before you Copies or Extracts of all Receipts that have been given for the payment of Quitrents since 1716, And likewise to Exhibit to you all Books and Vouchers in their possession that belonged to any former Receivers.

11. And when you shall have made a carefull and diligent Enquiry to find out the present Possessors of Lands in either of the said two Provinces claiming to hold the same, either under Proprietary Grants, or by Virtue of Warrants or Grants derived from Us; In case any of the said Grants appear to You to have been obtained fraudulently, and that the Quitrents, and other Conditions upon which the Warrants were issued, and those Grants made out have not been paid or complied with; In such Cases You are to give publick Notice in writing to be affixed to each Precinct house, or in such other publick manner as shall be thought most proper, Summoning all such, as shall appear to hold Lands under the pretence of Patents, Warrants, or Grants that have not been regularly obtained, and where the Quitrents, and other stipulated

Conditions

Conditions have not been paid or complied with or such as claim Lands by virtue of their having had possession of them for some time without any regular Patents, to attend you at the times and Places to be appointed by the said Summons for that purpose, in Order to shew Cause why they have not paid the Duties due thereon, and cultivated and improved their Lands.

5. And as an Encouragement to such Landholders to come in and be obedient to your Summons, You are to assure them that upon their Compliance with such Summons, He will be graciously pleased, as an Indulgence to such as hold Lands by virtue of Patents granted by the late Lords Proprietors before the Year 1727, to Order their Titles to be confirmed. Provided they were in actual possession of the Lands at that time, or had Surveys regularly made and returned, And on Condition likewise that they Register their Grants regularly, and claim no more Lands than are mentioned in their Patents, And that in case they appear to be in possession of a Surplus of Land, He are Graciously pleased in such case to admit them to take out new Patents for the same, Subject to the Duties of 4^s Proclamation money £ hundred

hundred Acres, prescribed by Our Royal Instructions to Our Governor there.

6 And in the cases of Persons claiming Lands by Virtue of Patents under the Lords Proprietors, which Patents they alledge to be destroyed by Fire or otherwise, but of which they may not be able to make full proof, nor of y^e Conditions on which the Grants were passed, You are to admit such Persons to take out new Grants at the Accustomed and proper Office for the said Lands, Subject to the Lintrents of four Shillings Proclamation money for hundred Acres, But as to such who shall make full proof of their having had Patents from the Lords Proprietors before the Year 1727, and of the Conditions on which they were granted, they are to hold their Lands agreeable to the terms and Conditions of their Patents, notwithstanding their having been destroyed by Fire or otherwise; And You are to certify the same accordingly.

7 And as to all Persons claiming Lands by virtue of and under Patents derived from the Lords Proprietors since 1727, Upon producing to You the same Patents, and having the same regularly endorsed by You, mentioning the Conditions following, that is to say

say, the paying of four Shillings Proclamation money for every hundred Acres contained in their Grant, and that they bind themselves down to the usual Terms and Conditions of Settlement; In such case the producing the Letters Patents, and your Indorsement thereon shall be Evidence of the Grantees right, Provided the same be regularly registered in the Auditors Office there within Six Months next after the Date of such your Indorsement.

8. And whereas Sir Richard Everard, when Governor of North Carolina under the Lords Proprietors in or about the year 1729 granted several Tracts of Land in North Carolina, in consideration of the Trouble and Expence of the Commissioners for running the Boundary Line between that Province and Virginia, We are graciously pleased to Declare and Grant that every such Person or Persons as shall fully prove before you, and to your Satisfaction their Right of Purchase under that Claim, shall be admitted to hold their Lands on the Conditions in their Grants, reckoning every Thousand Acres of Land as an Equivalent for Ten Pounds Sterling due to them, or to such Persons under whom they lawfully claim; You are therefore hereby required to take such Proof or Proofs, which Proofs
when

when taken (if found agreeable to our Instructions) and your Allowance thereof, being recorded within six Months after in the said Auditors Office, shall be sufficient Evidence of the Original Right to the Quantity of Land by the said proportion limited, An Extract of which Proofs. you are at the same time to transmit to the Commissioners of our Treasury and Our Commissioners for Trade and Plantations.

9. And Whereas many Disputes have been occasioned by the pretended Rights of Persons in Albemarle County in North Carolina, by Virtue of what they term their Grand Deed or Charter, being in fact, as We are given to understand, only a temporary Provision Yet nevertheless in Order to settle and Determine the Property of such Persons as claim Lands in that County under that Right, you are to permit all Persons claiming Lands in the said County by Virtue of such Patents under the Lords Proprietors before the Year 1727, to hold those Lands subject to the Rate of two Shillings Sterling Quitrent only p hundred Acres; Or if they shall insist to pay their Quitrents in the Product of that Country, such Product shall be brought at their own Charge unto the next Port or Place where the Kings Receipt is held, and there be valued

valued on the foot of Sterling money by sworn Appraisers.

10. You are likewise to give Notice to all Persons claiming Lands by Virtue of Warrants which have not been regularly carried into Execution, the Possessors whereof have not taken out regular Grants for those Lands, or settled them conformable to Our Instructions to Our Governors, That they are to perfect their Grants forthwith, agreeably to the said Instructions, And in all things to comply therewith, or that otherwise the Lands granted to them by Warrant, shall be disposed of to such Foreigners, or others as shall come to settle in the said Provinces.

11. You are further to give Notice to all such Persons who after having taken out Grants in pursuance of their Warrants, have not however seated their Lands nor paid Quitrents for the same agreeably to the Terms of their Grants, that they shall be forthwith prosecuted for such their Default, unless they immediately comply with the Conditions of their Grants.

12. And You are to give Notice to all Persons who hold greater quantities of Land than they are entitled unto by their Grants, that they may appear before you at such convenient time and place as you shall appoint within Six Months from the dates of your several Summons

Summons, and there produce to you an Account of such Surplus Lands, And in default of their appearing before you with a true Account thereof, you are to certify the same to Our Attorney General, who is to proceed there without delay according to Law, in such cases, against such Defaulters.

13. And unto all such as shall duly comply with these Our Instructions in proving their Original Titles before You, you are to grant Certificates or Testimonials of the truth thereof, that in pursuance thereof their Grants may be confirmed according to the terms and conditions herein before directed.

14. And for the more effectually carrying the Premises into Execution, If it shall so happen that any Person or Persons shall refuse or neglect to obey or comply with these Our Orders and Directions, or to submit to your Determination in the Premises in the manner before prescribed, you are to take care in all such cases to certify such Default, neglect or Refusal to Our Attorney Gen^l, in either of the said Provinces as occasion shall require, who is thereupon to proceed against such Defaulters in order to vacate & supersede their Grants and recover Possession by due course of Law, of the Lands they now wrongfully hold,
But

But You are first to give publick Notice of these Our Instructions relating to the Premises to the Persons concerned, that they may avoid such Prosecutions by complying with these Our Orders, which are calculated for the ease of our Subjects in those Parts, and for the Establishing Quiet, and good Order there.

15. And whereas many Inconveniences have arisen from the want of a proper Regulation in the Land Offices in our said two Provinces of South and North Carolina, in which they are expressly enjoined not to grant any more Lands than in the proportion of Fifty Acres to each Person in the Granters Family; Which Number it was Our Royal Intention should have been seated and cultivated by the Persons for whom the same were so granted. In relation to which We are given to Understand that in many Instances Our Orders have been evaded; For remedy thereof, We are therefore Graciously pleased to Declare that it is Our Royal Will and Pleasure that all Persons petitioning for Lands shall, previous to their obtaining a Warrant thereupon, prove their Right to such Lands before the the Governor and Council, when at least four Members of the Council shall be present, not having any Concern or Interest in the Lands petitioned for, and that

that if the Lands so petitioned for are granted accordingly, In such case the Warrants for granting the same be thereupon drawn up and signed by Our said Governor in Council, and made returnable by the Surveyor within twelve months at farthest from the Dates thereof. And that a particular Description of the Lands so petitioned for, be inserted in the Warrants, and that before the Warrants shall be delivered to the Surveyor, a Docquet thereof be entered in the Auditors Office there, And that in Default of any of the said Particulars being observed the said Grants shall be void.

16 And We do further Declare it to be Our Royal Will and Pleasure that when the Warrants shall be returned agreeably to the Directions contained in Our aforegoing Instruction, the Grant shall be made out in due form, and that the Terms and Conditions on which such Warrants issued, and the Lands were surveyed, be particularly and expressly mentioned in the respective Grants; and that the said Grants shall be registred within six Months from the Dates thereof in Our Secretary's Office there, and a Docquet thereof thereof be also entred in Our Auditors Office there, or that in default thereof such Grants shall be

be void; Copies of all which Entries, Our Pleasure is, shall be returned regularly home by the proper Officers to the Commissioners of Our Treasury or Our Commissioners for Trade and Plantations within twelve Months from the dates thereof.

17 You are likewise to make strict Enquiry into the Methods used in our said Provinces, in collecting Receiving and Accompting for Our Quitrents and other Revenues; And in case you find any fraud, concealment, irregularity or neglect therein, You are to use your utmost Endeavours for redressing the same, and to Establish a proper Method whereby the same may be prevented for the future, and whereby Our Auditor or his Deputy may be enabled more effectually to check and controll the Accompts exhibited by our Receivers, And if it shall appear necessary to apply to the Legislature in either of the said Provinces for a new Act of Assembly for the more effectual ascertaining and the more speedy and regular collecting of Our Quitrents, You are to prepare the proper heads of such a Bill as you shall think may most Effectually conduce to procuring the good Ends proposed, in such manner as shall be most for the Ease of Our Subjects, before Our Governor and Council there
for

for their concurrence therein, Provided always that if any Act of Assembly shall pass agreeable thereto, the same shall not be made to take Effect till the same be Approved by Us at home.

18 You are to take especial notice that it is Our Royal Will and Pleasure, that Neither You nor any of your clerks or Substitutes shall ask, demand or Receive under any pretence whatsoever any Fee or Reward from any of your Subjects for anything by you or them done in obedience and conformity to these Our Instructions and the Commission to which the same relate.

19 And Our Pleasure is that the Governor Marshalls or their Deputies in each of Our said Provinces respectively, do transmit and send such letters, Summons or other Orders as you shall judge necessary to be served within their respective Districts for Our Service; And You are to take the most effectual Measures that all these Our Instructions be fully executed, and in case of Default in any of Our Officers in either of the said Provinces in performing their Duty agreeably to the Nature and Design of these Our Instructions, and the Commission to which the same refer, you are to represent the same unto Us
by

by Our Principal Secretaries of State, or unto the Commissioners of Our Treasury or Commissioners for Trade and Plantations, that such Defaulters may be proceeded against according to the Nature of such Default.

20. And Lastly, You are upon all Occasions to send unto the Commissioners of Our Treasury, and Commissioners for Trade and Plantations a particular Account of all your Proceedings, and of the State and Condition of our Intrents and Revenues, and all other the Affairs under your Inspection, together with such Observations and Informations as you shall judge necessary for Our Service; Taking care that an Entry of Our Royal Commission to you, aforementioned, And of these Our Instructions relating thereto be made before Our Commissioners for Trade and Plantations, and in the Office of the Auditor and Surveyor General of our Revenues arising in America, within Six Months from the date hereof. Given at Our Court at St James's this Sixteenth day of May 1739. In the twelfth Year of our Reign.

By his Majestys Command

Sign'd R. Walpole

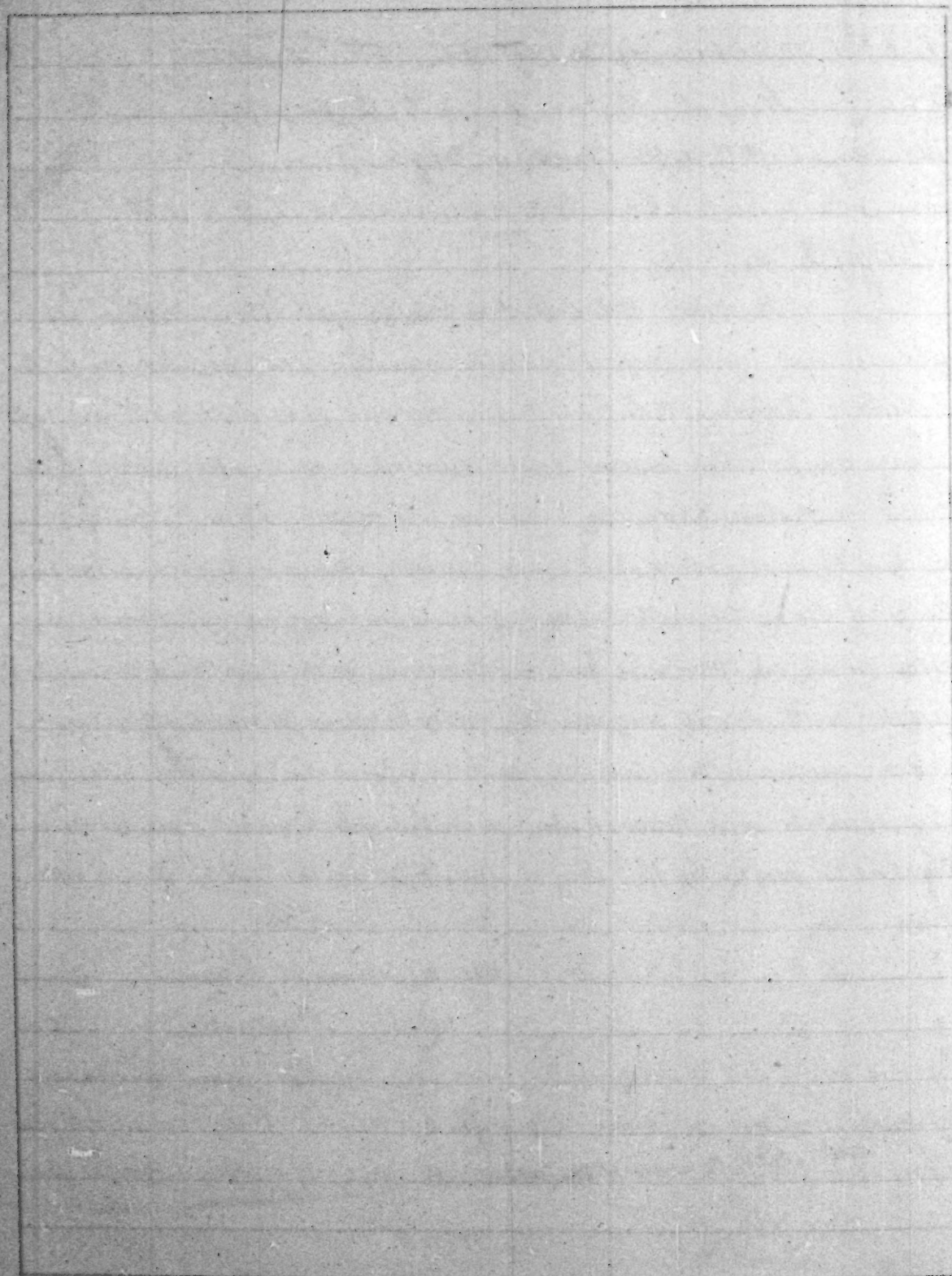
Geo. Dodington

G. Earle

Entered

Entered in the Office of the R^t Hon^{ble}
Horatio Walpole Esq^r Auditor and
Surveyor General of His Maj^{ty} Revenues
in America, At Whitehall this 20th
day of May 1789.

Peter Lehenp



B. P. R. O. Plantations Gen^l B 2 vol 56

12 May 1740.

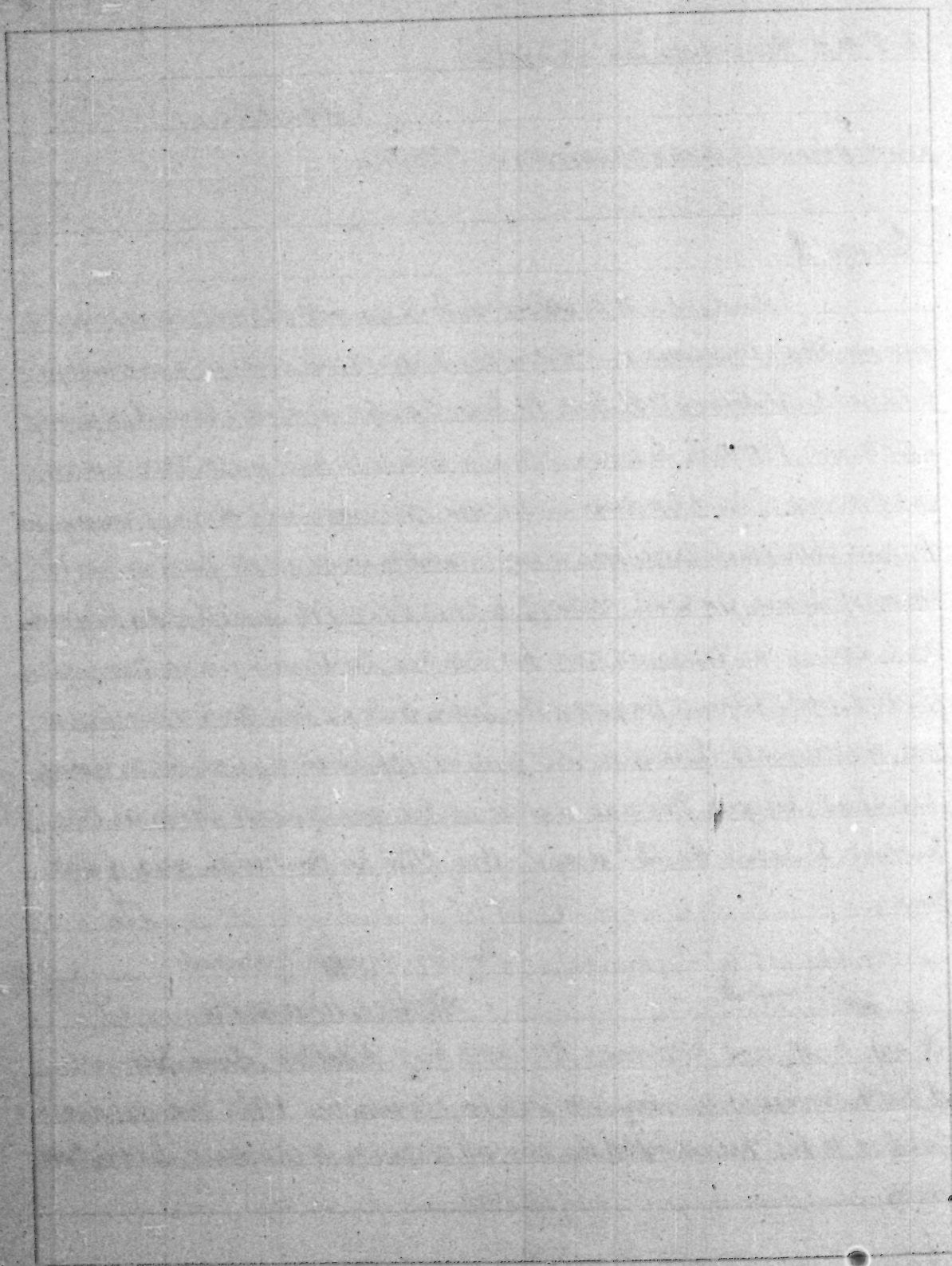
Childermas Croft. Clerk of the Assembly in S^c Carolina

George I.

Trusty and Well beloved we Greet you well Whereas we have taken into our Royal Consideration the Loyalty Integrity and ability of our Trusty and Wellbeloved Childermas Croft. Gent. We have thought fit hereby to authorize and require you forthwith to cause Letters Patents to be past under Our Seal of that Our province of South Carolina in America. for constituting and appointing him the said Childermas Croft. Clerk of our Assembly in our said province in the Room of Isaac Amund deceased to have hold exercise and enjoy the said Office during our pleasure and his Residence within our said province together with all and singular the Rights Salaries Fees profits Privileges and Emoluments thereunto belonging or appertaining and for so doing this shall be your Warrant. And so we bid you farewell Given at Our Court at S^t James the 12th day of May 1740 in the twelfth year of our Reign.

By His Majesty's Command
Nolles Newcastle

To our trusty and Wellbeloved M^{rs} Bull Esq. Lieut Gov^r of our province of South Carolina in America and in his absence to the Commander in Chief or to the President of the Council of our said province for the time being



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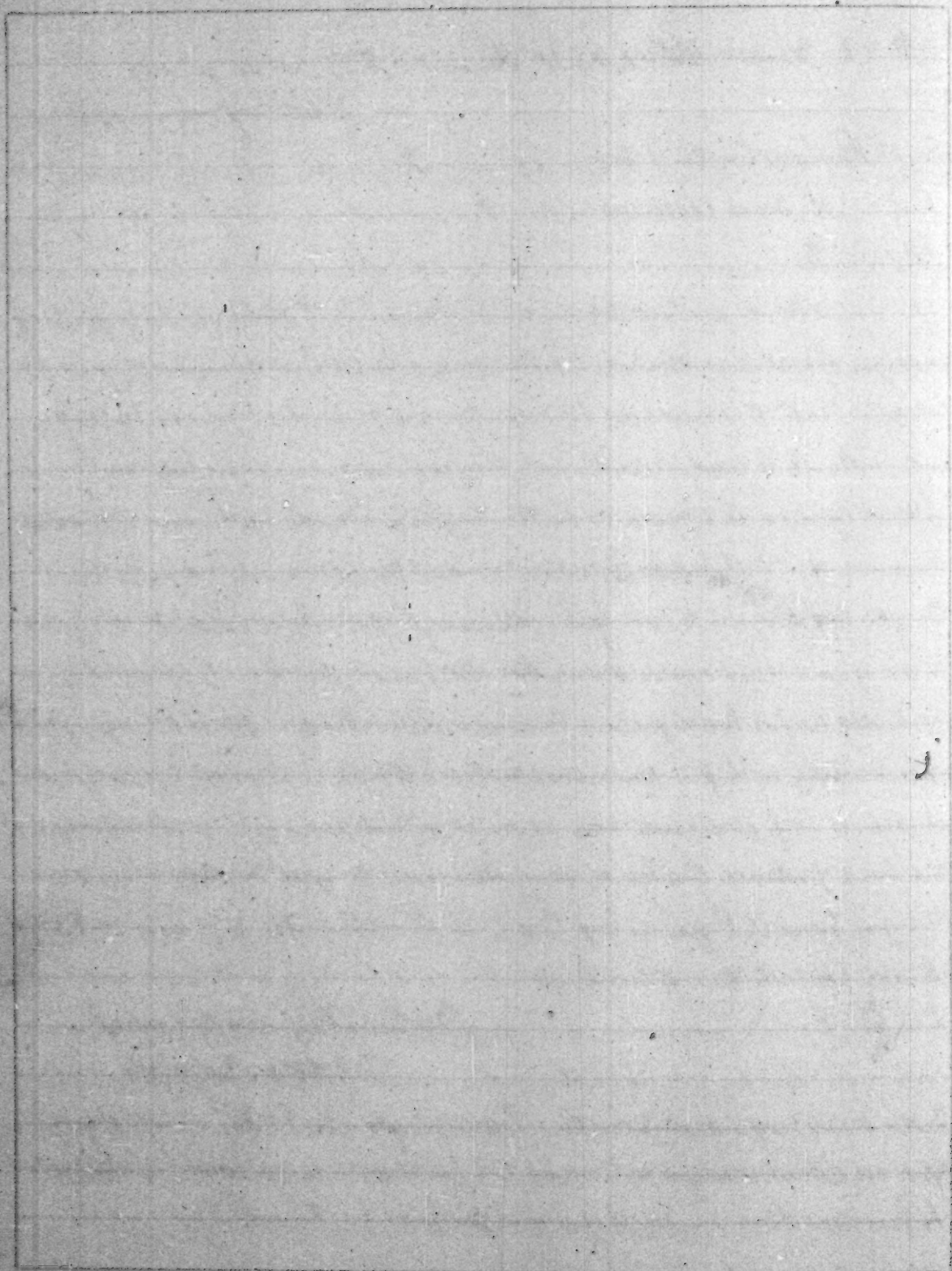
31 October 1741

Benj^a Whitacre Esq Chief Justice
of South Carolina
George. R.

Trusty and wellbeloved we Greet you well Whereas we have taken into Our Royal Consideration the Integrity and Ability of our Trusty and well beloved Benj^a Whitacre Esq. We have thought fit hereby to require & authorize you forthwith to cause Letters patents to be past under Our Seal of that Our Province of South Carolina in America for constituting and appointing the said Benjamin Whitacre our Chief Justice of and in Our said province in the room of Robert Wright Esq deceased to have hold exercise and enjoy the said office during our pleasure and his residence within Our said province together with all and singular the Rights profits privileges and Emoluments unto the said place belonging or appertaining with full power and authority to hold the Supreme Courts of Judicature at such places and times as the same may and ought to be held within our said province And for so doing this shall be your Warrant And we are bid you farewell Given at our Court at S^t James's the 31st day of October 1741 in the fifteenth Year of Our Reign

By his Majesty's command
Nelles Newcastle

To our trusty & wellbeloved James Glen Esq our Captain Gen^l & Gov^r in Chief of our province of South Carolina in America & in his absence to Our Comm^r in Chief or to the president of our Council of our said province for the time being



B P R O Plantations General B.T. Vol 55 p 149

(18th June 1740)

To all to whom these Presents shall come I
John Hammerton of the Parish of Saint Martin in
the Fields in the Liberty of Westminster and County
of Middlesex Esquire send Greeting Whereas his present
Majesty King George the Second by his Letters patents
under the Great Seal of Great Britain bearing date
at Westminster the Eleventh day of February in
the fourth Year of his Reign which was in the
Year of Our Lord One thousand seven hundred
and thirty, Did, for himself his Heirs and Success-
ors, give and grant unto Edward Bertie Esq^r and unto
me the said John Hammerton Party to these presents
the Offices of Secretary and Register of his Majesty's
Province of South Carolina in America, and the said
Edward Bertie and Me the said John Hammerton,
Secretary & Register of the said Province of South
Carolina, did thereby make ordain and constitute, to
have, hold execute & enjoy the same by the said
Edward Bertie and Me the said John Hammerton
or either of us, or by our sufficient Deputy or Deputies
for and during the Lives of the said Edward Bertie
and me the said John Hammerton, and the Life of
the

the longer Live of us with all Rights, Privileges,
 Profits, Perquisites & Advantages to the said Offices
 belonging & appertaining; and his said Majesty did
 thereby for himself his Heirs & Successors Grant unto
 the said Edward Bertie and me the said John
 Hamerton full Power and Authority by Ourselves or
 either of us or by Our sufficient Deputy or Deputies
 by us to be Appointed by Writing or Writings under
 Our Hands & Seals to be present at all Meetings
 of the Governor and Council and of the Assemblies,
 and to keep an exact Register of all their Proceedings,
 Acts & Orders, by virtue of the latter part of which
 Grant, the said Edward Bertie, and I have, by Our-
 selves, Our sufficient Deputy or Deputies, ever since
 acted as clerks of the Council of the Province of
 South Carolina, as by the said Letters patents, relation
 being thereunto had, may more at large appear. And
 whereas the said Ed^d Bertie is since dead and I
 the said John Hamerton am the surviving Grantee
 of the said Offices. Now know ye that I the said
 John Hamerton by virtue of the Powers & Authorities
 above recited or any of them have nominated, con-
 stituted and appointed and by these presents do nom-
 inate constitute and appoint Alexander Gordon of the
 Parish

Parish of St. Martin in the Fields in the Liberty
 of Westminster and County of Middlesex Gentleman,
 my lawfull Deputy to hold, execute and exercise the
 office of clerk of his Majestys hon^{ble} Council in
 the said Province of S^t. Carolina, and, in my Place
 and Stead to be present at all Meetings of the
 Governor and Council of the said Province, when met
 in Council and of the said Council when met in
 general Assembly, & to keep exact Registers or Journals
 of all their Proceedings Acts & Orders respectively and
 to do & execute or cause to be done & executed all
 other Acts and things whatsoever belonging to the
 said Office, and which by former clerks of the
 Council aforesaid have been usually done and executed
 or caused to be done and executed. Hereby giving &
 granting unto the said Alexander Gordon all and
 every the Rights, Privileges, Fees, Profits, Perquisites,
 Rewards, Advantages, & Emoluments whatsoever to the
 said Office of clerk of the Council belonging or in
 anywise appertaining, To have & to hold the said
 Office, Rights, Emoluments & Advantages unto the said
 Alexander Gordon during my Pleasure. Given under
 my hand and Seal at London this 15th day of June
 in the fourteenth Year of the Reign of our Sovereign
 Lord

Lord King George the Second, by the Grace of God of
Great Britain, France & Ireland, King Defender of the
Faith &c And in the Year of Our Lord One Thou-
sand seven hundred and forty

Sign'd J Hammerton (S)

Sealed and deliver'd (being first
duly stamp'd) in the presence of us

Sign'd Alex^r Buttender

Alex^r Main

B. P. R. O. Plantations Gen^l B. 2. vol 56

31 October 1741

Apoley Brett Esq

Naval Officer in South Carolina

George R^o

Trusty and Well beloved we greet you Well Whereas we have taken into our Royal Consideration the Loyalty Integrity and Ability of our trusty and well beloved Apoley Brett Esq We have thought fit hereby to authorize and require you forthwith to cause Letters patents to be past under our Seal of that our province of South Carolina in America for constituting and appointing him the said Apoley Brett Clerk of the Naval or Navy Office in our said province in the Room of Sam^l Wheatly Esq deceased to have hold exercise and enjoy the same to him the said Apoley Brett by himself or his sufficient Deputy or Deputies during our pleasure with all and singular the Fees Rights Privileges perquisites and Advantages to the said Office or place belonging or appertaining. with a proviso that nothing in the said Letters patents contained shall extend or be construed to extend to the prejudice or disadvantage of the Office of our High Admiral of Great Britain or of our Admiralty of our Foreign plantations for the time being or of any of the Rights Privileges Jurisdictiones powers and Authorities to the same in anywise appertaining And you are likewise to insert in the said Letters patents a Clause for obliging him the said Apoley Brett to reside within our said province and not to depart nor be absent from thence without our special leave and licence in that behalf and for so doing this shall be your Warrant And so we bid you farewell Given at our Court

Court at S^t James the 31st day of October 1741 in the Fifteenth Year of our
Reign

By His Majesty's Command
Nolles. Newcastle

To our trusty and Well beloved James Glen Esq Captⁿ Gen^l and Gov^r in Chief
of our Province of South Carolina in America and in his absence to our
Commander in Chief or to the President of our Council of our said Province
for the time being

B. P. R. O. Plantations Gen^l. B. 2. vol 56

29th May 1747

James Wright Esq. Attorney General of South Carolina

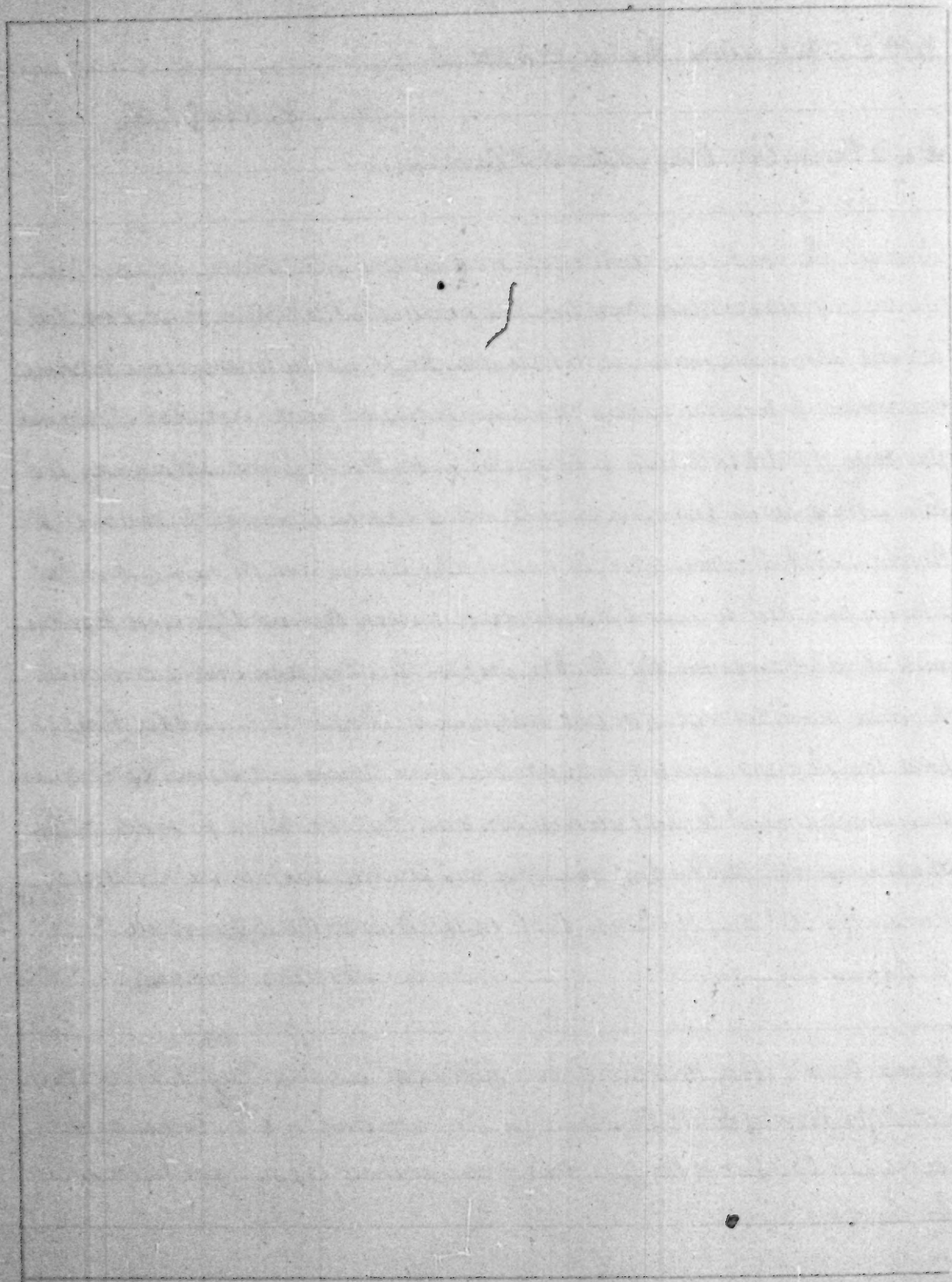
George. Ro

Trusty and Wellbeloved we greet you well Whereas we have taken into Our Royal Consideration the Loyalty Integrity and Ability of our Trusty and Wellbeloved James Wright Esq. We have thought fit hereby to Authorize & require you to cause Letters/Patents to be passed under Our Seal of that Our Province of South Carolina in America for constituting and appointing him the said Jas^s Wright our Attorney General of and in Our said Province. in the room of James Abercrombie Esq. to have hold exercise and enjoy the said Office unto him the said James Wright during Our Pleasure and his Residence within Our said Province. together with all and singular the Rights, Salaries Fees. Profits Privileges & Emoluments thereunto belonging or appertaining. And for so doing this shall be your Warrant And so we bid you farewell Given at our Court at Kensington the 29th day of May 1747 in the Twentieth Year of our Reign

By his Majesty's Command

To James Glen Esq. &c

Johnes. Newcastle.



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20 March 1750

James Frame Esq. Chief Justice of S^c Carolina.

George R

Trusty and wellbeloved we greet you well Whereas we have taken into our Royal Consideration the Integrity and Ability of our Trusty and Wellbeloved James Frame Esq. We have thought fit hereby to require and authorize you forthwith to cause Letters patents to be passed under Our Seal of that our Province of South Carolina in America for constituting and appointing the said James Frame Esq. Our Chief Justice of and in Our said Province in the room of Benj^a Whitacre Esq. To have hold exercise and enjoy the said Office during Our pleasure and his Residence within Our said Province together with all and singular the Rights, Profits, Privileges and Emoluments unto the said place belonging or appertaining with full Power and Authority to hold the Supreme Courts of Judicature at such places and times as the same may and ought to be held within our said Province And for so doing this shall be your Warrant. And so we bid you farewell Given at our Court at S^c James's the 20th day of March 1750 in the Twenty-third Year of our Reign

By his Majesty's Command

Bedford.

To our Trusty and Wellbeloved James Glen Esq. our Captⁿ Gen^l & Gov^r in Chief of Our Province of South Carolina in America and in his absence to our Comm^r in Chief or to the President of our Council of our said Province for the time being